

**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS FOR 1992**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS**

HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

3

**SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGENCIES**

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PART 2A

DEPARTMENT OF JUSTICE

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NOTE—The Honorable Silvio O. Conte was Ranking Minority Member of the Committee until his death on February 8, 1991.

**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGEN-
CIES APPROPRIATIONS FOR 1992**

TUESDAY, MARCH 12, 1991.

UNITED STATES ATTORNEYS

WITNESSES

**JOSEPH M. WHITTLE, UNITED STATES ATTORNEY, WESTERN DISTRICT OF
KENTUCKY**

**TIMOTHY D. LEONARD, UNITED STATES ATTORNEY, WESTERN DISTRICT
OF OKLAHOMA**

**LAURENCE S. McWHORTER, DIRECTOR, EXECUTIVE OFFICE FOR U.S. AT-
TORNEYS**

**HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-
TRATION**

**MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-
LER**

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. EARLY. We will now hear testimony on the United States At-
torneys. The U.S. Attorneys request \$779,256,000 for fiscal year
1992, an increase of almost 16 percent over FY 1991 levels. We will
insert in the record at this point the U.S. Attorneys' fiscal year
1992 budget justification.

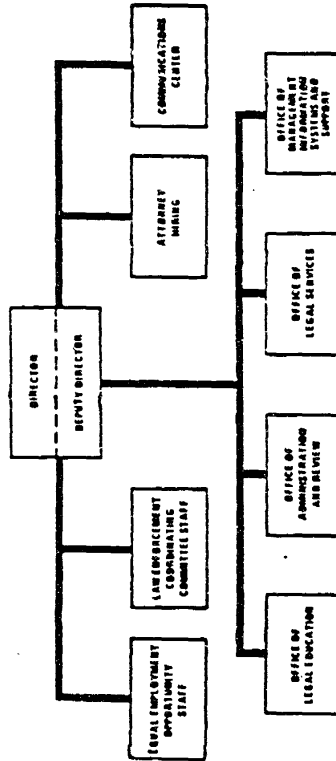
[The information follows:]

(1245)

Department of Justice
United States Attorneys
Estimates for Fiscal Year 1992
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EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS



Approved by William French Smith Date 8/1/84
 Attorney General

**United States Attorneys
Salary and Expenses
Summary Statement
Fiscal Year 1992**

The United States Attorneys are requesting for 1992 a total of 8,775 permanent positions, 8,362 workyears and \$779,256,000. This request represents an increase of 141 positions (143 attorneys), 231 workyears, and \$104,258,000 from the 1991 appropriation anticipated. Approximately forty-eight percent of the increase represents mandatory increases, and, \$812,000 is for program increases to meet costs of the Department's payroll conversion and Financial Management Information System (FIMIS) projects. The remaining portion of the increase funds programs across all decision units. The U.S. Attorneys are budgeted to receive additional reimbursable funding from the Organized Crime Drug Enforcement (OCDE) appropriation. Resources from the OCDE appropriation in 1992 would then total 1,109 positions, 1,015 workyears and \$82,428,000.

The U.S. Attorneys are the principal litigators of the U.S. Government. It is their task to prosecute those who violate our nation's laws, to protect the public from those who would further illegally their private interests at the expense of the general welfare, to protect the legitimate powers of the Federal Government from those who would usurp those powers, and to assert through the courts those national policies established by the Congress, the Administration and the Attorney General. This mission is accomplished through 94 district offices in the United States, Puerto Rico, the Virgin Islands, Guam and the Northern Marianas.

The U.S. Attorneys' appropriation consists of four decision units excluding Organized Crime Drug Enforcement (OCDE): Criminal Litigation, Civil Litigation, Legal Education, and Management and Administration. The major initiatives and any requests for increases to accomplish major initiatives in these decision units are summarized below.

Criminal Litigation:

Violent Crime

The United States Attorneys seek 58 positions, 89 workyears and \$16,319,000 to prosecute Violent Crimes. A total of 60 workyears and \$12,053,000 will provide resources for a new Violent Crime Initiative that will be presented by the Administration in March. In addition, an increase of 58 positions, 29 workyears and \$1,466,000 is requested to respond to violent crime in the District of Columbia.

Attorney Pay

The United States Attorneys have experienced significant growth during 1989 and 1990, primarily to fight the war on drugs and financial institution fraud. This increase in resources was much needed to address crime in these areas. The focus must now widen to include a plan for retention of experienced prosecutors. Therefore, an increase of \$5,418,000 (\$4,007,000 Criminal, \$1,411,000 Civil) is requested for attorney pay adjustments in the litigation programs of the United States Attorneys' Offices. This would enable salary increases for United States Attorneys, Senior Litigation Counselors, and supervisory attorneys to occur without requiring absorption of that same amount, normally accomplished by maintaining a high vacancy rate. In other words, the United States Attorneys would be able to staff to a normal operating level and provide more reasonable salary increases for experienced prosecutors.

Criminal Prosecution

An increase of 93 positions, 76 workyears, and \$16,388,000 is requested for Criminal prosecution. The new resources would be applied to several programs including: White collar environmental crime; Organized Crime; and Civil Rights. Each one of the individual program requests support the Administration's initiatives in their areas and are fully explained in the Criminal Division Unit narrative. It is critical to note here, however, that while Criminal prosecution has received much needed resources during the past two years, it remains an understaffed area to increase prosecution efforts in the aforementioned programs.

Security

An increase of \$2,678,000 is requested for security. During 1990, the United States Attorneys' population have been the target of increased physical threat. It is imperative to address the threat and protect the workforce through a variety of measures. Those measures provide, at minimum, security systems for all offices, safes, guard services, X-ray units and shredders.

Civil Litigation:

Attorney Pay

An increase of \$1,471,000 is requested for Attorney pay in the Civil Program. Full narrative is included under the Criminal Litigation Program.

Civil Prosecution

Civil prosecution efforts must be enhanced across the country if we are to aggressively pursue fraud against the Government, collect debts for the Government, and defend against loss in bankruptcy and other proceedings in which the United States has a financial interest. For these purposes, the United States Attorneys request an increase of 182 positions, 91 workyears and \$16,726,000, excluding increased pay.

Legal Education:

An increase of \$1,601,000 is requested to train new criminal, civil and OIGTF prosecutors and paralegals in 1992. These funds will cover travel and training costs for one basic civil or criminal course for the new attorneys, and travel and training costs for one basic legal research and writing course for the requested number of paralegals.

Management and Administration:

Information Management

An increase of \$1,280,000 is requested to meet the costs associated with three Information Management programs including: the absorption of Project Eagle maintenance; District of Columbia Superior Court case management, and; Project Eagle Applications Development. Each one of these essential automation program areas is fully justified in the Management and Administration decision unit.

Administration

An increase of 8 positions, 4 workyears and \$512,000 is requested to cover costs associated with the Department's conversion to the Department of Agriculture's National Finance Center, and for enhancements to the FMS.

United States AttorneysSalaries and expensesJustification of Proposed Changes in Appropriation Language

The 1992 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For necessary expenses of the Office of the United States Attorneys, \$673,095,000, of which not to exceed \$1,000,000 shall be available until September 30, 1992, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs. \$1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system. Provided, That of the total amount appropriated, not to exceed \$9,000 shall be available for official reception and representation expenses. \$779,256,000

{49 U.S.C. 519, 541-550; 48 U.S.C. 1424, 1617, 1694; Department of Justice Appropriations Act 1991}

Explanation of Changes

- 1 The proposed deletion removes language that is not needed because funding for debt collection activities is not requested in 1992.
- 2 The second change provides no-year availability for \$1,200,000 to be used for the development of various applications to the EAGLE office automation system.

United States Attorneys

Salaries and expenses

Crosswalk of 1991 Changes
(Dollars in thousands)

Activity/Program	1991 President's		Congressional		Adjustments		Approved		1991 Program		1991	
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
Criminal Litigation.....	5,973	5,683	418	408	-137	-137	...	...	25	\$1,903	6,279	5,979
Civil Litigation.....	1,982	1,952	42	42	-58	-58	...	...	...	...	1,966	1,976
Legal Education.....	24	23	...	...	-1	-1	...	...	...	...	23	22
Management and Admini- stration.....	168	196	...	...	-2	-2	...	...	...	...	166	194
Debt Collection.....	...	5,000	...	...	...	...	...	...	...	...	...	5,000
Total.....	8,147	7,854	460	450	-198	-198	...	...	25	1,903	8,434	8,131

Congressional Appropriation Actions. The Congress provided additional resources to meet the growing workload generated by the increasing number of financial institution fraud cases.

1991 Adjustments in Permanent Positions and Workyears. This adjustment in 1991 equates to the loss of 198 positions and workyears necessary in order to absorb 50 percent of 1991 pay raise.

Approved Reprogrammings. The reprogramming of budget authority reflects the permanent effect of the April 23, 1990, reprogramming notification. The narrative accompanying the notification stated that the reprogramming was of a permanent nature and would carry into 1991.

1991 Program Supplemental Requested. The program supplemental proposes to transfer 25 positions, 25 workyears and \$1,903,000 from General Legal Activities. This completes the consolidations for personnel who were assigned to the Criminal Division's Organized Crime Strike Forces and have been integrated into the U.S. Attorneys offices.

United States Attorneys
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm. Pos.	MY	Amount	Perm. Pos.	MY	Amount	Perm. Pos.	MY	Amount	Perm. Pos.	MY	Amount
Department of Justice Appropriations Act, 1991.....												
Adjustment in permanent positions and workyears.....	8,607									8,607		\$673,095
1991 Program supplemental requested (transfer of the Organized Crime Strike Forces from Criminal Division).....	- 198									- 198		...
1991 appropriation anticipated.....	25									25		1,903
Mandatory increases.....	8,434									8,434		674,998
Decreases (automatic, non-policy).....	...									...		55,050
1992 base.....	8,434									8,434		-5,189
												724,659
Estimates by budget activity												
1. United States Attorneys.....	8,434	8,131	\$669,998	8,434	8,131	\$724,659	8,775	8,362	\$779,256	341	231	\$54,597
2. Debt Collection.....	411		5,000									
Total.....	8,434	8,131	674,998	8,434	8,131	724,659	8,775	8,362	779,256	341	231	54,597
EOY Employment:												
Full-time permanent.....	7,581	908	8,489	7,581	908	8,489	7,812	1,053	8,865	231	145	376
Other.....	576		576	576		576	576		576			
Total.....	8,157	908	9,065	8,157	908	9,065	8,388	1,053	9,441	231	145	376

**United States Attorneys
Salaries and Expenses
Summary of Resources by Program
(Dollars in thousands)**

	1990 as Enacted			1990 Actual			1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.
Litigates by Program																		
Criminal Litigation	5,787	4,713	\$155,329	5,787	4,456	\$152,049	6,279	5,979	\$493,748	6,279	5,979	\$530,983	6,430	6,115	\$563,690	151	136	\$32,707
Civil Litigation	1,982	1,952	134,884	1,982	1,889	138,119	1,966	1,936	149,039	1,966	1,936	161,887	2,148	2,027	180,084	182	91	18,197
Legal Education	24	23	5,366	24	25	5,002	23	22	7,305	23	22	7,498	23	22	9,099	...	...	1,601
Management and Administration	168	184	18,285	168	170	18,414	166	194	19,906	166	194	24,291	174	198	26,383	8	4	2,092
Subtotal	7,961	6,872	513,864	7,961	6,540	513,594	8,434	8,131	669,998	8,434	8,131	724,659	8,775	8,362	779,256	341	231	54,597
Debt Collection			5,000			5,000			5,000			5,000			5,000			...
Total	7,961	6,872	518,864	7,961	6,540	513,594	8,434	8,131	674,998	8,434	8,131	724,659	8,775	8,362	779,256	341	231	54,597
Reimbursable Workyears		652			597			790			939			1,015			76	
Total Workyears		7,524			7,137			8,921			9,070			9,377			307	
Other Workyears																		
Holiday																		
Overtime																		
ADP		1			1			1			1			1			...	
Other		30			47			47			47			49			2	
Total Compensable Workyears		7,555			7,185			8,969			9,118			9,427			109	

**United States Attorneys
Salaries and Expenses
Justification of Program and Performance
Activity Resource Summary**
(Dollars in thousands)

Activity, U.S. Attorneys	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY Amount
Criminal litigation.....	6,279	5,979	\$493,748	6,279	5,979	\$530,983	6,410	6,115	\$563,690	151	136 \$12,707
Civil litigation.....	1,966	1,936	149,039	1,966	1,936	161,887	2,148	2,027	180,084	182	91 18,147
Legal Education.....	23	22	7,305	23	22	7,498	23	22	9,099	...	... 1,601
Management and Administration.....	166	194	19,906	166	194	24,291	174	198	26,383	8	4 2,092
Total.....	8,434	8,131	699,998	8,434	8,131	724,659	8,775	8,362	779,256	341	231 54,597

This budget activity includes resources for the primary mission of the United States Attorneys. Funds requested for this activity support personnel involved both at headquarters and in the field in the prosecution of individuals charged with violations of Federal law in several areas.

1991 Appropriation

Activity, U.S. Attorneys	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY Amount
Criminal litigation.....	6,279	5,979	\$493,748	6,279	5,979	\$530,983	6,410	6,115	\$563,690	151	136 \$12,707

Long-Range Goal: To identify, prosecute, and convict those persons and legal entities who have committed offenses against the laws of the United States.

Major Objectives:

To identify, investigate, prosecute and convict those controlled substance violators whose organizations and conspiracies do not meet organized crime Drug Enforcement criteria but whose activities have a major adverse impact on the quality of life in local communities, and to increase our capability of seizing the assets of drug traffickers.

To intensify law enforcement efforts against violent crime by fully utilizing criminal statutes, including statutes that call for enhanced penalties for possession of firearms during the commission of a drug offense or violent crime.

To intensify federal law enforcement efforts against white collar crime involving the interests of private citizens, with particular emphasis on the following areas:

- a. financial institution fraud
- b. bankruptcy fraud
- c. consumer fraud
- d. financial markets fraud

To identify, investigate, prosecute and convict those who are criminally involved in: violations of export laws affecting critical technology; fraud against the United States, especially with regard to defense programs and housing programs; waste of United States' assets and resources; and abuse of contracts signed with the United States.

To investigate and prosecute violations of the civil rights of those residents of the United States who are victims of either governmental abuse or those groups who perpetrate hate crime.

To enhance our capacity to investigate and prosecute criminally those who intentionally defile, pollute, and destroy our environment.

To continue and intensify our ability to prosecute traditional and emerging organized criminal groups.

Base Program Description: The 1992 criminal litigation base includes 418 positions and 408 workyears for financial institution fraud that were funded in 1991. The financial institution fraud positions are used to concentrate on prosecuting officers of institutions that have perpetrated schemes to divert investors' deposits to personal use or to high risk ventures that were improperly secured and thereby contributed to the bankruptcy of numerous thrifts, savings and loans associations and banks.

The 1992 criminal litigation base also includes the transfer of 25 Organized Crime Strike Force positions from the Criminal Division. The incorporation of these positions into U.S. Attorneys' offices improves the planning and execution of investigations and prosecutions of organized crime cases. These resources are part of Organized Crime Units in the U.S. Attorneys' offices dedicated exclusively to organized crime matters.

The U.S. Attorneys receive most of their information about crime through Federal investigative agencies. A few violations are reported to U.S. Attorneys by citizens. Others come to the attention of U.S. Attorneys in the course of prosecuting related criminal conduct. After careful consideration, the U.S. Attorneys decide the appropriateness of Federal prosecution. The U.S. Attorneys then initiate prosecution.

Except for misdemeanor offenses and instances in which the defendant waives the right to a grand jury indictment, the U.S. Attorneys present evidence against an alleged offender to a grand jury, and the jurors vote on a list of charges proposed by the U.S. Attorney. The U.S. Attorney presents the charges in an open court at the "arraignment" of the defendant. Then the U.S. Attorney participates in preliminary hearings in which the court determines issues such as the defendant's bail status, the propriety of the indictment, the forfeiture of the defendant's property, the competency of the defendant, and the admissibility of evidence.

Although only 10 percent of all criminal prosecutions are concluded by a trial, the U.S. Attorneys always must be prepared to go to trial. Constant preparation for trial minimizes the risk of dismissal for noncompliance with Speedy Trial Act. It also strengthens the Government's position in negotiating with defense counsel for a guilty plea. When the defendant is unwilling to admit guilt, a trial becomes necessary. The U.S. Attorney then presents factual evidence to convince the jury or the judge of the defendant's guilt. After trial the U.S. Attorney defends the conviction at post-trial hearings and appeals. The U.S. Attorneys' offices handle most criminal appeals at the intermediate appellate level. After filing a brief, U.S. Attorneys may be required to participate in oral arguments before the appellate court. If there is appeal, the U.S. Attorneys may be called upon to assist the Department's legal divisions and the Solicitor General in preparing the case for review by the U.S. Supreme Court.

Accomplishments and Workload: Accomplishments of the Criminal Litigation Program are presented in the following table:

Item	Estimates	
	1991	1992
Matters pending, start of year.....	63,099	65,099
Matters received.....	60,712	60,712
Matters terminated.....	108,500	110,500
Matters pending, end of year.....	106,500	108,100
	65,099	67,499
Cases pending, start of year.....	37,835	43,144
Cases filed.....	41,903	46,500
Cases terminated.....	41,800	42,500
Cases pending, end of year.....	43,144	51,044
Grand jury proceedings.....	23,925	26,000
Cases tried.....	3,936	4,425
Defendants charged.....	54,858	60,900
Gross value of assets forfeited (dollars in thousands)*.....	\$460,300	\$500,000

*Includes administrative forfeitures, which are processed by the investigative agencies, judicial forfeitures, which are handled by the U.S. Attorneys' offices, Customs Service forfeitures and agencies' bidbacks of property. The 1989 value reflects a one-time deposit of \$225,000,000 stemming from the Drexal, Burnham, Lambert case.

The criminal litigation program objectives are accomplished through the work of 94 U.S. Attorneys' offices, each of which has responsibility for the investigation and prosecution of a wide range of proscribed criminal behavior. Actual and estimated accomplishments are reflected above. This includes 5,861 criminal appeals filed. The greatest volume of filings in 1990 were in the areas of controlled substances - 10,803, fraud against the Government - 1,987, immigration - 1,919, weapons control - 2,920, and mail and wire fraud - 1,928. Cases terminated totaled 36,594 in 1990. Of the 45,659 individual prosecuted in these cases, 35,270 defendants pleaded guilty; 5,490 were found guilty after trial; and 943 were found not guilty. The number of defendants tried increased by 5.3 percent over 1989.

As a result of the additional resources provided in 1990 and 1991, the Criminal Litigation program will experience substantial workload growth in both 1991 and 1992. Growth will occur in case filings and in cases tried. Case filings in the financial institution fraud and the drug law enforcement areas will rise in direct proportion to the resources added concomitant with the increases in controlled substance filings. There will be increases in asset forfeiture cases. Increased attorney resources will enable the U.S. Attorneys to be more active in initiating investigations and this will lead to a further rise in the total number of matters referred. The U.S. Attorneys should be able to process these matters and reduce the current backlog since the attorney population will be growing in larger increments than the agent population. Finally, additional case filings will result in 1991 and 1992 as a result of the integration of the Organized Crime Strike Forces. Cases tried should increase due to two reasons: (1) the increase in case filings; and (2) the recognition by opposing counsel of stiffer mandatory penalties provided in the recently promulgated Sentencing Guidelines.

Program Changes:

Program Changes:	1992 Base		1992 Estimate		Increase	
	Perm.	WY	Perm.	WY	Perm.	WY
	Pos. <td>Amount<td>Pos.<td>Amount<td>Pos.<td>Amount</td></td></td></td></td>	Amount <td>Pos.<td>Amount<td>Pos.<td>Amount</td></td></td></td>	Pos. <td>Amount<td>Pos.<td>Amount</td></td></td>	Amount <td>Pos.<td>Amount</td></td>	Pos. <td>Amount</td>	Amount
Criminal Litigation.....	6,279	5,979	\$530,983	6,430	6,115	\$563,690
					151	136
						\$ 32,707
						11

The U.S. Attorneys' total 1992 request for Criminal Litigation is for an additional 151 positions (including 67 attorneys, 38 paralegals, and 16 support staff), 136 workyears, and \$32,707,000. Included are resources to enhance attorney pay to levels competitive with those of private law firms, to strengthen physical security, and to offset increased costs charged for transcription services by federal salaried court reporters. New positions and associated workyears are requested for environmental crime, violent crime, organized crime, and civil rights.

SPECIAL INITIATIVES

A. Attorney Pay Enhancement

The U.S. Attorneys seek \$4,007,000 in the criminal litigation program to boost the salaries and benefits of attorney personnel. This initiative is a continuation of a program identified in the 1991 budget request as a mandatory increase. It expands the SES/EX pay raise requested in 1991 by an additional 107 supervisory attorneys, bringing the total number of attorneys covered in the non-reimbursable programs to 544,398 of which are in the criminal litigation area. The additional 107 supervisory positions were generated in response to the large increase in attorney personnel included in the Financial Institution Fraud and Violent Crime initiatives of 1990. This request also allows for an increase in the pay cap associated with all SES levels. Pay raises for supervisory attorneys are pegged to these levels. The 1991 SES/EX initiative was calculated for the population affected under the lower figures.

This initiative seeks to recognize the importance of U.S. Attorneys and Assistant United States Attorneys (AUSAs) and to slow the loss of AUSAs to higher paying, private-sector law firms. Under this initiative the salary cap for supervisory AUSAs will be raised to \$96,400. This compares to a salary cap of \$78,200 for AUSAs in 1990. The pay cap for First Assistant U.S. Attorneys will be raised to \$100,500 in 1992.

B. Security Initiative

The U.S. Attorneys request \$2,678,000 to enhance security in the area of criminal litigation. The increased concern for the safety of employees and security of information has resulted in the initiation of a active security program in each U.S. Attorney's office. The requested funds will allow districts to institute access control into their offices, enhance forced entry protection, and pay for duress alarms, telephone security, storage protection and evidence protection. The districts will need to acquire secure facsimile machines, x-ray scanners, closed circuit television systems, security containers, and bulletproof glass for waiting rooms and other security equipment.

These funds will permit secure space for confidential meetings and wiretap activities, and to provide and furnish space to house task forces comprised of personnel from various law enforcement agencies, as well as U.S. Attorney personnel. As an example of such task forces, the Middle District of Florida alone presently is actively participating in four, including the Morelga Trial preparation, the Florida Federal Savings Bank investigation, and the Medellín drug cartel investigation.

C. Transcription Costs

The U.S. Attorneys request \$3,500,000 to pay increased costs of court reporter transcriptions. The Judicial Resources Committee of the Judicial Conference has elected to increase rates subject to availability of funds, that will eliminate the differential in transcript fee rates between the government and private practitioners charged by its salaried court reporters for transcription of courtroom proceedings. This increase will affect all department litigating divisions and funding is requested for each component. The Federal Government currently pays \$2.00 per page of original, regular transcription, while private practitioners pay \$3.00 per page. Other types of services, including expedited and hourly transcription rates have increased by more than 50 percent. The following chart displays the disparity:

Type of Service	Transcript Fees (dollars per page)			Percent Difference
	Private	Public	Difference	
Ordinary (30 day)	\$1.00	\$2.00	\$1.00	50%
Expedited	4.00	2.50	1.50	60%
Daily	5.00	3.00	2.00	67%
Hourly	6.00	3.50	2.50	71%

In FY 1990, approximately \$13,400,000 was charged to the U.S. Attorneys appropriation for all transcription costs. It is estimated that the new rate structure will increase the costs for U.S. Attorneys by \$5,000,000, with \$3,500,000 required for criminal litigation.

WHITE COLLAR CRIME

The U.S. Attorneys request 33 positions (15 attorneys, 10 support, and 8 paralegals), 17 workyears and \$2,097,000 to prosecute crimes against the environment. These resources will ensure that the U.S. Attorneys, in close conjunction with the Environmental and Natural Resources Division (ENRD), can adequately address major criminal violations of environmental law. Congress enacted the new Clean Air Act amendments as well as the Pollution Prosecution Act, PL 593, in 1990, which contain new criminal penalties for damage to the environment. The new investigators authorized by the Pollution Prosecution Act for the Environmental Protection Agency should result in numerous criminal referrals in 1992 and beyond. During 1990, the Department of Justice recorded a 33 percent increase in felony indictments for environmental crimes. A record 134 indictments were returned and the Department achieved a 95 percent conviction rate. Over the last eight years, the Department has secured over \$56,000,000 in criminal fines for environmental crimes.

In June 1990, the Department announced that it had begun a criminal investigation into violations of the nation's environmental law at Rocky Flat weapons plant in Colorado. This major investigation involves national security aspects and will be prolonged. Criminal enforcement activities in environmental cases during 1989 increased some 70 percent in pleas and convictions. The superfunds settlements reached a record \$1.02 billion. Similarly, in February of 1990, a five count indictment was returned against Exxon stemming from the Alaskan Oil Spill. The case may involve up to \$600 million in criminal fines plus undetermined amounts of restitution. While this case is being handled by the ENRD it indicates the scope of problems that U.S. Attorneys often encounter on a smaller scale. For instance, the New Jersey U.S. Attorney is involved in another case with the Exxon Corporation for an oil spill in the New York harbor area. The same U.S. Attorney's office is working in an equal partnership with the ENRD to recover \$125,000,000 in cleanup costs from one of the state's contaminated landfills. A jury in the Southern District of New York found two defendants and their six related companies guilty of RICO and mail fraud charges arising out of the unlawful disposal of waste materials including garbage, asbestos, and medical waste. The defendants agreed to forfeit \$22,000,000 to the government under the forfeiture provisions of RICO.

The newspapers report the tremendous number of environmental cases that continue to come to light. These cases range from the Ashland Oil discharge of half of a million gallons of diesel fuel into the Ohio River last year to a half million gallon oil spill in the San Francisco Bay area by Shell Oil Co. Given the Department's firm commitment to prosecute environmental cases, the U.S. Attorneys must be prepared to meet this challenge. The increased use of criminal penalties is needed to drive home the seriousness of these offenses on those who would pollute our precious and fragile environment. As stated in the National Law Journal, July 23, 1990, the maze of federal, state, and environmental laws continues to become more complex. At one time, criminal enforcement of environmental statutes was aimed at the so called "midnight dumpers." Today criminal defendants are often respected citizens and high-ranking corporate officials. The sentencing guidelines are an indication of the importance attached to environmental crimes in recent years. Criminal enforcement is more likely, and whereas prison used to be the exception, defendants will now almost certainly face jail terms. It is clear that the threat of criminal enforcement makes voluntary compliance more likely.

VIOLENT CRIME

The U.S. Attorneys request 58 positions, 89 workyears, and \$16,319,000 to prosecute violent crime on a National scale and for District of Columbia Superior Court prosecutions.

A total of 60 workyears and \$12,853,000 will provide resources for a new Violent Crime Initiative that will be presented by the Administration in March. The 60 workyears and \$12,853,000 will provide the necessary federal resources to implement this program.

The request for District of Columbia Superior Court prosecutions is for 58 positions (19 attorneys, 19 support and 20 paralegals), 29 workyears, and \$3,466,000. This request responds to the continuing wave of drug related homicides and other violent crime committed in the District. The District has been notoriously dubbed the "murder capital of the country" because it has the highest per capita murder rate in the nation. The U.S. Attorney for the District has undertaken an increasing number of homicide and other violent crime prosecutions as well as the increasingly difficult task of prosecuting effectively drug-related violence. Also, additional resources are needed to meet the demands placed on the prosecutorial functions by added police and court resources. The U.S. Attorney's Office for the District of Columbia is in a unique position, in that the office must prosecute cases normally prosecuted under state and local jurisdiction. Increased staffing levels are required to meet the increasing workload.

Growing national concern about the increasing number of drug-related homicides and other crimes in the District has generated a great deal of publicity. Lawmakers have demanded tougher measures to eradicate the growing violence that plagues the streets of the District.

The addition of the 58 requested positions to the Superior Court and Appellate Divisions will reduce the already burdensome workload for current attorneys, and address the backlog in filing appeals from criminal convictions. Currently more than 200 first degree murder cases and an additional 100 second degree murder cases await prosecution. The rate of homicides in the District has not abated and the impact on prosecution resources is cumulative as both old and current cases are closed by police and dispositions lag behind arrests.

Despite significant increases in resources dedicated to homicide prosecutions and the establishment of a new Homicide Unit to provide more effective supervision of cases, the number of cases per attorney exceeds the amount that can be given adequate attention. It is likely that the average caseload will increase further. In addition to the anticipated increased caseload, the District of Columbia City Council has recently passed a law creating a mandatory five-year penalty for violations of gun laws. The passage of the new law will result in approximately 200 additional cases per year. These cases will be more resource intensive than present cases since defendants facing mandatory penalties will be more likely to go to trial. Furthermore, efforts to utilize recently improved mandatory penalty drug laws and to increase use of preventive detention for violent offenders and recidivists place substantial demands on resources. These prosecutions involve considerably more court time in hearings and trials. Finally, the Appellate Division is facing an increasing backlog of briefs in criminal cases because of the increased number of criminal convictions and because of procedural changes by the Court of Appeals. The Court of Appeals has sought to remedy delays in the appellate process by restricting sharply continuances for filing briefs. This has shortened the time within which the Appellate Division has to do more work. To meet the rising number of criminal appeals, and to file more briefs more quickly, substantial additional staffing is needed.

The breakout of personnel in this request is weighted toward non-attorney positions, since a substantial amount of the clerical and administrative workload created by the increased number of cases handled by attorneys. In the Felony Trial Division for example, each Assistant carries a caseload of 100 active cases at all times. In each case prepared for trial, the individual Assistant must prepare his or her own subpoenas, copy witness statements for review by defendants, and complete routine forms for criminal record checks for all witnesses. Similarly, the attorneys assigned to the Grand Jury Section must also do their own copying and are required to fill out numerous forms which could easily be prepared by administrative staff if the resources existed. Also, for each case indicted, a grand jury assistant must prepare a "Case Impression Memo" summarizing the facts of the case, summarizing the strengths and weaknesses of the case and provide witness information. These memoranda assist in the preparation of the case for trial. In the Felony Trial Division and the Chronic Offender Unit, criminal record checks of all witnesses must be completed for each case. This burden falls primarily upon the Trial Assistants. Also, the relatively simple but vital task of contacting witnesses and maintaining contact with witnesses over long periods of time is a task which too frequently falls on Trial Assistants. Additional support and paralegal positions would permit attorneys to concentrate their efforts on meeting the demands of a growing workload more productively.

ORGANIZED CRIME

The U.S. Attorneys are requesting 25 additional positions (13 attorneys, 7 clericals, 5 paralegals), 12 workyears and \$1,712,000 for prosecution of organized criminal entities and their members.

With the merger of the Organized Crime Strike Force Units into the United States Attorneys Offices in the districts where they were headquartered, we have streamlined and enhanced the federal attack force on organized crime. But one of the weaknesses of the prior organizational system is becoming clearer, the centralization of resources in some major cities as opposed to all major cities or more rural areas. The web of traditional organized crime is increasingly permeating non-metropolitan areas as the city-based organized crime leaders expand their economic base. The operations in the less-populated areas are overseen by lieutenants in the organizations, who have direct links to the family bosses. The U.S. Attorneys in these districts must prosecute the members of these organizations who are present in their district.

Equally important, U.S. Attorneys have been called upon to investigate and prosecute the growing number of non-traditional organized crime groups, including Asian gangs, Jamaican posses, and other ethnic groups, motorcycle clubs and domestic gangs such as the Crips and the Bloods, which travel from city to city. These groups, engaged in various criminal activities, and generally are violent. Because the activities cross many jurisdictions, federal rather than state resources are necessary for investigation and prosecution of these groups.

Recent statistics reflect the increased involvement of U.S. Attorneys in the investigation and prosecution of these traditional and non-traditional organized crime phenomena. From FY 1989 to FY 1990, the number of criminal matters handled by U.S. Attorneys increased by 10 percent. The number of criminal cases rose by 14 percent.

CIVIL RIGHTS

The U.S. Attorneys are requesting 35 additional positions (20 attorneys, 10 support, 5 paralegals), 18 workyears, and \$2,394,000 for prosecution of civil rights violations.

In the recent past, we have seen the reemergence of individuals and groups exploiting prejudice against people based on race, religion, ethnicity and sexual preference. As we have seen in the prosecutions of "Skinheads" in the District of Columbia and the Aryan Nation in Colorado and the State of Washington, these groups have moved from privately nurtured grievances to acts of violence causing damage to persons and property and even death. By 1997 the Hate Crimes Statistics Act of 1990 will have documented the extent and nature of these threats.

Additionally, there must be an effective deterrent and punishment for governmental abuses. Increasing the resources available at the district level, will help remedy these evils.

	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	WY	Perm.	WY	Perm.	WY	Perm.	WY
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Civil litigation.....	1,966	1,936	1,966	1,936	2,118	2,027	182	91
		\$149,039		\$161,887		\$180,084		\$18,197

Long Range Goal: To protect and to advance the interests of the United States through the conduct of civil litigation.

Major Objectives:

To respond promptly and professionally to all suits brought against the United States, its officers and employees.

To protect the federal fisc through the conduct of aggressive affirmative litigation, including:

Supporting federal programs, as necessary, by litigation and negotiation.

Collecting monies owed the United States.

Defending the United States against loss in bankruptcy and other proceedings in which the United States has a financial interest.

Representing the interests of the United States in affirmative and defensive civil environmental litigation.

Aggressively using new property forfeiture statutes to seize the assets of drug and other offenders.

Attenuating completely and forcefully the positions of the United States on issues pending in the Courts of Appeals.

Recovering losses resulting from savings and loan and bank fraud.

Base Program Description: Civil matters and cases consume a significant portion of the U.S. Attorneys' resources, especially in the areas of recovery of money, defense of monetary claims and debt collection. The litigation brought against the Government covers a range of causes of action, including tort (damage suffered as a result of Government action-e.g., collision with a postal service vehicle, malpractice by a Government physician, invasion of privacy by a Government agent), the determination of social security benefits, tax refunds, contract violations, race, sex, and age discrimination, and habeas corpus. The Government also initiates civil litigation against private parties for a wide range of purposes. These purposes include the recovery of money taken from the Government by fraud, the acquisition of interests in land by eminent domain proceedings, the enforcement of administrative summonses, the enforcement of environmental, admiralty, civil rights and other laws for which there are civil law penalties, and the recovery of debts owed to the Government.

Accomplishments Workload: The civil litigation workload of the United States Attorneys follows:

Item	Estimates		
	1989	1990	1991
Matters pending beginning of Year.....	24,513	23,001	21,287
Matters Received.....	97,805	95,085	95,150
Matters Terminated.....	99,317	96,799	96,900
Matters Pending End of Year.....	23,001	21,287	19,537
Cases Pending beginning of Year.....	139,381	133,991	131,881
Cases Filed.....	92,760	85,902	85,900
Cases Terminated.....	98,150	88,012	87,720
Cases Pending End of Year.....	133,991	131,881	129,681
Appeals Filed.....	4,004	3,669	3,725
Appeals Terminated.....	3,395	3,317	3,320
Trials.....	2,430	1,624	1,625

Workload consistently indicates a reduction in matters and cases pending end of year. The U.S. Attorney project that from 1989 to 1992, there will be a 9 percent decrease in cases pending, assuming Congress provides the requested level of resources.

Many large fraud cases require parallel criminal and civil investigations. Early involvement of civil attorneys increases the probability of successful recovery for the Government. Some criminal investigations do not result in prosecution, yet these cases still may result in significant civil recoveries. Some of the following cases illustrate this:

Affirmative Civil

In the Southern District of Ohio, the United States reached a settlement with General Electric Corp. and several qui tam relators (private plaintiffs). The case involved false vouchers, kickbacks, and failure to perform required tasks on military aircraft. Under the settlement, the United States received \$1.5 million dollars, of which the private plaintiffs received \$71,000.

In the District of Massachusetts, the United States recovered \$600,000 in civil penalties from Rule Industries, a manufacturer of nautical equipment, for intentionally misrepresenting its conformity with the Buy-American Act. The case was significant in that the Government had suffered loss from the misrepresentations but made recovery under the False Claims and Buy-American Acts.

In the Eastern District of California, the United States settled an action against Sacred Heart Hospital for \$1.25 million, to be paid over 5 years. This was a qui tam case involving Medicare reimbursements.

In the Northern District of Texas the United States defended a claim against the Comptroller of the Currency and Federal Deposit Insurance Corporation. The plaintiffs sought a temporary restraining order to prevent the Comptroller from closing 22 subsidiary banks of Texas American Bank Shares, Inc. The District Court held that it could issue no temporary restraining order because it had no jurisdiction to review the Comptroller's determination that the subsidiary banks were insolvent.

In the Eastern District of New York, the United States obtained a consent decree against the City of New York, the New York Department of Environmental Protection, the County of Nassau and the Nassau County Department of Public Works. The consent decrees provide a schedule for stopping municipalities from dumping sewage sludge into the ocean. Under the decrees, Nassau County is to stop dumping sludge by December 31, 1991. New York City will stop dumping sludge by June 30, 1992.

In the Eastern District of Pennsylvania, the United States obtained a settlement with a \$1.3 million penalty under the Clean Water Act against BP Oil Co.

Defensive Monetary Litigation

In the Western District of Oklahoma, the United States defended a claim brought by survivors of a worker killed at Tinker Air Force Base after a fall from a possibly defective ladder. The United States defeated a \$5 million claim at no cost to the Government.

In the Southern District of Georgia, the United States defended a medical malpractice case brought under the Federal Tort Claims Act. In this case, the plaintiff sought damages of \$7.5 million. He alleged negligent care and treatment by the Government of his congenital heart defect. Following a trial, the court held for the Government.

In the Northern District of Florida, a number of farmers sued the United States Navy under the Federal Tort Claims Act. The farmers sought damages in excess of \$45 million for injuries allegedly resulting from low flying Navy helicopters. Following a trial, the court entered judgment in favor of the United States. The Eleventh Circuit Court of Appeals sustained the judgment.

Debt Collection Litigation

Attorneys representing Sunstrand Corporation (which already had pleaded guilty to false claims and conspiracy charges) agreed to an additional payment of \$71.3 million to resolve pending administrative and noncriminal issues. Sunstrand made an immediate payment of \$40 million to the Government. It will make five yearly payments of \$2.48 million, that began January 1990. It also agreed to concessions on future contracts, saving the Government \$18.9 million. The additional settlement brings the total settlement against Sunstrand to \$186.3 million.

In the Western District of Pennsylvania, the U.S. Attorney filed on behalf of the United States Environmental Protection Agency for violations of the Clean Air Act. The complaint alleged that Volkswagen (VW) had been discharging pollutants into the air from its surface coating operations at the New Stanton, Pennsylvania automobile plant. A consent decree was entered in late 1989, whereby VW agreed to pay \$400,000.00 to the United States as civil penalties for the violations alleged.

Program Changes:	1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
	Pos.			Pos.			Pos.		
Civil Litigation.....	1,966	1,936	\$161,887	2,148	2,027	\$180,084	182	91	\$ 18,197

Attorney Pay Enhancement

The U.S. Attorneys seek \$1,471,000 in the civil litigation program to boost the salaries and benefits of attorney personnel.

This initiative is a continuation of a program identified in the 1991 budget request as a mandatory increase. It expands the SES/EX pay raise requested in 1991 by an additional 107 supervisory attorneys, bringing the total number of attorneys covered in the non-reimbursable programs to 544, 146 of which are in the civil litigation area. The additional 107 supervisory positions were generated in response to the large increase in attorney personnel included in the Financial Institution Fraud and Violent Crime initiatives of 1990. This request also allows for an increase in the pay cap associated with all SES levels. Pay raises for supervisors are pegged to these levels. The pay cap will be raised from \$98,700 to \$106,400. The 1991 SES/EX initiative was calculated for the population affected under the lower figure.

This initiative seeks to recognize the importance of U.S. Attorneys and AUSAs and to slow the loss of AUSAs to higher paying, private-sector law firms. Under this initiative, the salary cap for supervisory AUSAs will be raised to \$96,400. This compares to a salary cap of \$78,700 for AUSAs in 1990. The pay cap for the First Assistant U.S. Attorneys will be raised to \$100,500 in 1992.

Affirmative Civil Litigation

The U.S. Attorneys request 36 positions, (18 attorneys, 5 paralegal, 13 support staff), 18 workyears, and \$1,562,000 for affirmative litigation.

While not often gaining the public attention that criminal cases do, civil lawsuits handled by United States Attorneys are an essential component of the Department's overall program. These cases include suits brought in vital areas of the public interest, including actions to: (a) recover monies in savings and loan and other bank frauds; (b) assure compliance with existing environmental standards expressed in law and regulations; (c) obtain forfeiture of drug trafficker's profits and the instrumentalities of drug crime; (d) collect debts owed the United States; (e) recover overcharges and other monies resulting from fraud and false claims in defense procurement.

These critical lawsuits require significant time, preparation and expertise by the United States Attorneys' civil case lawyers, who must be assisted by adequate support staff. However, from a strict cost benefit analysis alone, these resources are a positive element since they return far more to the Treasury than it costs to maintain them. Thus, these cases, along with the millions saved by the United States Attorneys' vigorous defense of claims brought against the Government, represent a prudent investment of resources with a guaranteed return. A shortage of civil attorney resources invariably causes a diminution of the affirmative civil effort since resources must be allocated first to defending suits filed against the Government.

If we are to aggressively pursue drug-related civil forfeitures, affirmative civil enforcement and the government's claim in bankruptcy court, more civil attorney positions need to be allocated. The Districts can't control the amount of defensive litigation filed, because every defensive case must be assigned. Therefore, affirmative litigation is staffed with the AUSAs who are not working on defensive matters. It would be in the interest of the public to elevate the number of affirmative cases. Affirmative litigation remains an untapped resource of revenue, potentially netting the Government millions of dollars.

In recent years the civil program of the U.S. Attorneys has received no increase in resources. As the number of cases and complexity of civil litigation increases, U.S. Attorneys must have the resources to properly litigate these matters. Complex litigation requires more attorneys, paralegals, and support positions. The defendants and the defendants' law firms have been willing to make significant commitment of resources to defend fraud suits brought to the Government. To be successful in complex fraud litigation, the Government must be willing to make an equal commitment.

Defensive Monetary:

The U.S. Attorneys request 36 positions (18 Attorneys, 9 paralegals, 9 support), 18 workyears and \$2,382,000 for defensive litigation.

United States Attorneys' offices devote most of their time to defensive litigation because they must defend the government in the numerous cases filed, yet they can not control the volume of the cases. This leaves little or no resources for affirmative litigation which recovers money. Infringement litigation is increasing in the areas of prisoner petitions, medical malpractice, and Bivens (police misconduct) cases.

Many districts expect the prison populations to increase, or for new prison facilities to be built in their district jurisdictions. This means a major increase in the prisoner petition caseloads. For example, the Middle District of Pennsylvania will experience an increased volume of habeas corpus and civil rights cases due to a 50 percent increase in prison populations at the federal correction facilities located in Lewisburg and Altoona, Pennsylvania. In 1992, three new federal correctional institutions will be in various stages of opening within the Middle District of Pennsylvania, having a profound and substantial impact on the work of the Civil Division. Statistics generated by the Administrative Office of the U.S. Courts indicate that the Middle District of Pennsylvania is consistently second in the number of habeas corpus cases handled, and usually first in the number of prisoner petitions or civil rights cases handled.

Four new federal facilities have recently opened in North Florida. As a result, over 10 percent of the entire federal prison population in the United States is now within the District of Northern Florida. As a result, this will cause a major increase in prisoner petitions addressed to both federal matters and to Bureau of Prison disciplinary matters. The districts of New Jersey and Southern Georgia also have new prison facilities in their jurisdiction and are facing similar problems.

The number of medical malpractice cases in the United States Attorneys' offices is expected to increase significantly. For instance, the Northern District of Florida has the largest concentration of retired military personnel of any geographical area in the United States. Moreover, the district houses major military installations. These facilities generate significant medical malpractice caseloads, and consume an inordinate amount of attorney time in districts that have large concentrations of VA hospitals. There has been a significant increase in Bivens (police misconduct) cases. The Southern District of California indicated that their core caseload has become Bivens and Title VII cases. The rise in Bivens cases is largely related to increased law enforcement presence and intensity of effort along the international border. There was a great leap in the number of shooting cases, high speed chases, assaults, and other major personal injuries.

Bank Collection

The U.S. Attorneys request 110 positions, 440 attorneys, 45 paralegals, 25 support staff, 1/2 workyears and \$6,062,000 for bank collection.

While the U.S. Attorneys have seen tremendous growth in the number of prosecutions (criminal) over the past several years, there has not been a commensurate increase in the number of administrative reprimands assigned to the Financial Institution Units (FIU). FIUs are the special units within each office that are to collect money owed the government. Additional resources are requested to process collection of increased numbers of FIU, that additional prosecutive will operate. The existing caseloads in these FIUs already exceeds what is generally considered to be acceptable. The caseload growth can also be attributed to: The increase in criminal fines and assessments under the new sentencing guidelines, emphasis by the Federal Reserve on collection of dollars owed to the government, and the mandates of Congress for out of office to pursue conviction of those involved in more complex criminal activities, such as financial institution fraud and violent crime.

In light of this, the optimum caseload is believed to be 300 to 400 cases per person. The U.S. Attorney workload measures indicated that district FLD personnel are handling between 500 cases per person to a high of 1,320 cases assigned. The mean for most units is 750 cases per collection agent. This data is based on current attorney staffing. When the full complement of new Assistants authorized in 1990 are realized, the workload will significantly increase and existing backlogs will grow.

The additional administrative resources in each U.S. Attorneys Office also are a more economical use of resources. One office estimated that a \$75,000 per-year paralegal assistant could increase collections by approximately \$691,000 which is roughly 20 percent of their criminal fines collected. Many other offices supported this fact by estimating that each new administrative position would increase collections by 20 to 25 percent.

The increased sophistication of criminals adept at hiding assets, and corporate civil debtors, whose assets are difficult to locate pose a major problem for Financial Litigation Units (FLUs). Due to the increased complexity of these cases, the level of difficulty in prosecuting cases has increased considerably, thus requiring more attorney time to conduct a case, and draining existing resources even further. Many Assistant assigned to FLUs are handicapped by an increasing number of administrative requirements and supervisory duties.

Finally, the newly-enacted Federal Debt Collection Procedures Act contains provisions on prejudgement remedies and fraudulent transfers which are directed at recovering assets that federal debtors have hidden or shifted. The request for additional resources will allow the U.S. Attorneys to take full advantage of the legislation.

Civil RICO

In prior fiscal years, the U. S. Attorneys have had to pay the total cost of court appointed administrators in civil RICO cases. The costs are exorbitant. In addition, resources are needed to acquire litigative support services to retrieve, index and store documents of Civil RICO cases and to automate data bases. The United States Attorneys have a number of complicated civil RICO cases with very high litigation costs. The Southern District of New York is currently working on three of them involving the International Brotherhood of Teamsters, the International Longshoremen's Association (ILA), and the District Council of Carpenters. Therefore, the United States Attorneys request \$2,500,000 in FY 1991 to cover the continuing rise in the costs and number of Civil RICO cases.

The International Longshoremen's Association litigation support plan for FY 1991 is a good example of the extremely high costs that are incurred in the Civil RICO cases. The ILA's projected cost for their litigation support plan in FY 1991 is \$915,000. The litigation support tasks include expense data base, full-text data base, New York document center, trial support and project management. The expense data base includes the processing of expense-related data from the Atlantic Coast District, and International Collections. It is estimated that the size of the database will be 100,000 pages. The processing of these collections includes organizing (unitizing), coding, keying and loading into the database. The cost for this task is \$500,000 for one fiscal year.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Anticipation			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Legal Education.....	23	22	\$7,305	23	22	\$7,498	23	22	\$9,099	...	...	\$1,601

Long Range Goal: To improve the quality of legal representation and services by attorneys and support staff employed by the United States of America.

Major Objectives:

To provide high quality, cost-effective basic criminal and civil trial advocacy training courses and written materials for less experienced federal attorneys.

To provide high quality, cost-effective criminal and civil federal practice training courses and written materials for the newly-hired, more litigatively experienced federal attorneys.

To make criminal and civil basic trial advocacy training courses available for state and local government attorneys who are participating with the Department of Justice in criminal and civil cooperative efforts.

To provide high quality, cost-effective specialized criminal and civil substantive law training courses and written materials for those federal attorneys concentrating in priority areas, such as: financial institution fraud and other economic crime; asset forfeiture; Organized Crime Drug Enforcement Task Forces; organized crime, public corruption; environmental law; affirmative financial litigation and debt collection; and federal tort claim defense work.

To train all attorneys in ethics and professional conduct.

To provide high quality, and cost-effective basic training courses for federal paralegal and senior support staff and, as needed, to provide advanced training in such areas as the Freedom of Information Act, asset forfeiture, affirmative financial litigation and debt collection.

To provide video and audiotape lectures and written materials to those federal attorneys who are located in geographical areas remote from Washington, D.C., in order to serve as many federal attorneys as possible with high quality continuing legal education in a cost efficient manner.

Basic Program Description

The Office of Legal Education (OLE) administers its training through two institutes: The Attorney General's Advocacy Institute (AGAI) and the Legal Education Institute (LEI). The potential recipients for OLE-sponsored legal education include 15,000 federal attorneys and 4,500 federal paralegals and support staff personnel (technicians). An OLE class consists of 40 students and faculty who also attend the training sessions when they themselves are not conducting the training.

The Attorney General's Advocacy Institute primarily trains (a) Assistant United States Attorneys from the 94 offices of the United States Attorneys located throughout the 50 states and the territories of Guam, North Mariana Islands, Puerto Rico, the Virgin Islands and (b) trial attorneys from the litigating divisions of the United States Department of Justice. The curriculum is designed to train attorneys in basic criminal, civil and appellate advocacy courses; more advanced federal practice courses; and specialty courses in priority substantive areas of the law.

The basic criminal and civil trial advocacy courses are two weeks in length (12 days) and the appellate advocacy course is one week in length. Recognized throughout the legal community as the most professional advocacy courses offered in the country, the basic AGAI advocacy courses feature: (a) experienced federal trial attorneys who give lectures and demonstrations, critique advocacy practice exercises, and critique videotaped student exercises; (b) federal judges who preside over mock jury trials and appellate arguments; (c) civilian jurors for the moot trial exercises; and (d) written materials which are updated constantly with the latest law. Student exercises are videotaped by AGAI to provide instant feedback and enable the best presentation. To train attorneys in priority areas, AGAI also offers special courses, three to five days in length. These courses feature experienced federal trial attorneys, outside experts and practical lecture outlines.

In 1990, AGAI developed and commenced a one-week federal practice course for newly-hired federal attorneys, who are experienced state or military litigators. In 1991, the two-week basic and one-week advanced criminal trial advocacy courses will be combined and presented over two weeks. In addition, AGAI utilizes experienced Department of Justice and Assistant United States Attorneys to produce manuals for use by federal attorneys.

The Legal Education Institute (LEI) directs its training programs toward all federal attorneys, paralegals and support staff technicians in the Executive Branch, with primary emphasis on training those professionals stationed in the Washington, D.C. area. LEI courses are from one day to a week in length. LEI provides civil and administrative advocacy training for all federal attorneys, not just Assistant United States Attorneys or Department of Justice trial attorneys. Courtroom and administrative advocacy courses are taught through workshops, during which a faculty of experienced practitioners videotape and critique exercises. LEI offers specialized courses for attorneys in a wide variety of substantive subjects, such as basic and advanced negotiation techniques, hazardous waste and environmental law, bankruptcy law and attorney management, etc.

LEI also offers legal education courses for paralegals and support staff personnel from the United States Attorney's offices and the Department of Justice. In all LEI courses, experienced federal attorneys and other legal personnel develop the curriculum, serve as faculty, and participate as students when not teaching. In order to provide continuing education to federal attorneys stationed outside of the Washington, D.C. area, in an efficient manner LEI videotapes its lectures and supplements them with written materials.

OFFICE OF LEGAL EDUCATION ACCOMPLISHMENTS WORKLOAD

OLE: NUMBER OF STUDENTS TRAINED AND FACULTY PARTICIPANTS.....	1989	1990	Estimates	
			1991	1992
ACAI: Attorneys Trained by Courses.....	8,911	10,626	14,063	14,869
LEI: Attorneys Trained by Courses.....	3,541	4,536	6,458	6,877
LEI: Attorneys Trained by Videotaped Lectures.....	4,100	4,592	5,310	5,310
LEI: Paralegal/Spt Staff Trained by Courses.....	520	673	1,170	1,440
LEI: Paralegal/Spt Staff Trained by Courses.....	750	825	1,125	1,242
Subtotal: Attorneys Trained by Courses.....	7,641	9,128	11,768	12,187
Subtotal: Attorneys Trained by Videotapes Lectures.....	520	673	1,170	1,440
Subtotal: Paralegal/Spt Staff Trained by Courses.....	750	825	1,125	1,242
TOTAL NUMBER OF OLE (ACAI AND LEI) COURSES/LECTURES.....	142	157	202	226
ACAI COURSES (ATTORNEY TRAINING)				
Criminal Trial Advocacy Courses.....	6	6	9	10
Advanced Criminal Trial Advocacy Courses.....	4	3	N/A	N/A
Specialized Criminal Courses.....	11	12	13	14
Federal Practice (Criminal and Civil) Courses.....	N/A	3	7	8
Civil Trial Advocacy Courses.....	6	5	7	6
Specialized Civil Courses.....	8	9	10	11
Appellate Advocacy Courses.....	4	4	4	4
Other ACAI Courses.....	4	5	11	12
Subtotal: ACAI Courses.....	43	47	61	67
LEI COURSES AND VIDEOTAPED LECTURES				
Attorney Training Courses.....	51	60	61	61
Attorney Videotaped Lectures.....	35	39	65	80
Paralegal/Support Staff Courses.....	13	11	15	18
Subtotal: LEI Courses/Videotaped Lectures.....	99	110	141	159

NOTE: Previous workload data for 1989, 1990 and 1991 assumed each class included forty students. The assumption substantially increased the number of courses previously reported. The workload data reported here reflects the actual number of courses held and the number of students trained.

There is a substantial increase in Attorney General's Advocacy Institute (AGAI) courses for Assistant United States Attorneys (AUSAs) and Department of Justice trial attorneys from 1989 to 1991. In addition to courses for new attorneys hired as a result of normal attrition, increased courses were necessary in 1990 for many of the new AUSAs and DOJ trial attorneys hired in 1989. Criminal and civil courses also were added to accommodate the increase in attorney positions due to the Financial Institution Fraud Amendment and the Violent Crime Initiative. To provide training in the priority areas, specialized seminars were added in 1989 and 1990. In 1990, the Federal Practice Course was added to train newly hired more experienced attorneys who were not familiar with the Federal system.

In 1991, an increased number of courses were necessary for attorneys unable to be trained in 1990 in the basic civil and criminal courses. Additionally, the Congress funded new attorney positions. Additional courses in management training, included in "Other" AGAI courses, were added to meet the needs of the increasing number of senior criminal and civil attorneys in management positions.

The increase in the Legal Education Institute (LEI) courses from 1989 to 1990 compensated for cancellations in 1989 because of the LEI move to a new location. There was also a greater demand for LEI courses in 1990 and in 1991 by AUSAs and agency attorneys in areas such as negotiation skills, discovery, administrative procedure, environmental law, bankruptcy and legal writing. New courses were added in computer law and computer contracting. The complexity of the law regarding the use of computers and the vast number of new computers being installed in all United States Attorney offices has driven this increase. New videos were added to the videotape library in 1990 and in 1991 which generated increased requests for the video lectures.

The decrease in LEI paralegal courses in 1990 merely reflects the transfer of Asset Forfeiture support training from LEI to AGAI. Thus, AGAI reflected the increase. The 1991 additional LEI paralegal courses will meet the needs of the new support position overflow unable to be trained in FY 1990 and to train new paralegal positions.

In 1992, the new AGAI facility will be in operation, and there will be more classroom space that will permit increased class size. These courses will enable AGAI and LEI to train 419 new attorneys and 117 paralegals in 1992. The increase in LEI video courses in 1992 is a result of additions to the videotape library and the growth in mandatory continuing legal education credits earned through videotape courses. Also, the increase in the number of attorneys in the Executive Branch and the high rate of turnover combined with the increase in the number of states requiring continuing legal education, will result in greater utilization of videotape and accompanying written materials.

Program Changes:	1992 Base		1992 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Legal Education.....	23	\$7,498	23	\$9,099	...	\$1,601

Additional funds in the amount of \$1,601,000 are requested to train new personnel for the Criminal, Civil and OCDETF programs in 1992. These funds will provide travel and training costs for one basic criminal or civil course for new attorneys and travel and training costs for one basic legal research and writing course for new paralegals.

The Criminal and Civil Trial Advocacy Courses consist of two weeks of extensive "learn by doing" exercises which concentrate on courtroom skills. Exercises during the first week encompass opening statement, direct and cross-examination, and court performance with experts from the Federal Bureau of Investigation, Drug Enforcement Administration, and other enforcement agencies. There is extensive use of the video replay and critique of student performance. Student attorney participation intensifies during the second week and culminates with two days of mock trial experience during which visiting federal judges preside over the students' performances in front of a jury. This course is followed by an advanced training course approximately six months later, in which the same student-attorneys attend lectures and workshops concentrating on such topics as grand jury, ethics, and persuasion.

The Paralegal Training consists of a Basic Legal Research and Writing Course that focuses on the American Judicial system, nature of judicial process, importance of appellate process and "judge-made" law, publication of court opinions and intricate research techniques used to locate "on-point" case law. The Advanced Legal Research and Writing Course is concerned with legal analysis and research techniques; legislative and regulatory processes in Federal law as well as publication of statutes and regulations. A Civil and Criminal follow-up course concerning the litigative process and the application of the Federal Rules of Evidence and the Federal Rules of Criminal Procedure is also required.

	1991 Appropriation				1992 Base				1992 Estimate				Increase/Decrease			
	Anticipation				Form.				Form.				Form.			
	Pos.	WY	Amount		Pos.	WY	Amount		Pos.	WY	Amount		Pos.	WY	Amount	
Management and Administration.....	166	194	\$19,906		166	194	\$24,291		114	198	\$26,383		8	4	\$7,097	

Long Range Goal: To provide consistent direction and appropriate distribution of resources to the U.S. Attorneys and to respond promptly and efficiently to the administrative and management needs of the 94 U.S. Attorneys' offices.

Major Objectives:

1. Provide management, leadership and direction to the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices.
2. Coordinate the successful implementation of all 94 district law enforcement coordinating committee plans.
3. To represent the interests of all U.S. Attorneys in the development of department of justice policy and to support system-wide consistency in the conduct of Federal litigation.
4. To conduct fiscal review, management audit and performance evaluations of each U.S. Attorney's offices.
5. To formulate and execute an operating budget to satisfy the operational needs of U.S. Attorneys' offices.
6. To formulate and implement Equal Employment Opportunity plans.

To formulate and exercise personnel management policy and authority in order to obtain the most qualified individuals for positions in the U.S. Attorneys' offices.

To provide all administrative support necessary to obtain adequate space and equipment.

To complete the design and implementation of a caseload management system and to make available optimum office technology for the U.S. Attorneys.

To provide policy direction that will result in optimal efficiency in the collection of debts owed the Government.

Base Program Description: The Management and Administration program encompasses all of the Executive Office for U.S. Attorneys (EOUSA) with the exception of the Office of Legal Education. The EOUSA provides general assistance and supervision to the 94 U.S. Attorneys' offices, and coordinates with the other organizational units of the Department with these offices under the direction of the Deputy Attorney General. Through the Office of Information Management, the EOUSA provides U.S. Attorneys offices with the automated information systems necessary to achieve Department objectives and to ensure efficient use of resources. The Evaluation and Review Staff of the EOUSA assists U.S. Attorneys in recognizing improvements that can be made in the use of professional personnel and ensuring that proper management controls are in place. The EOUSA, through its Legal Counsel unit, provides legal interpretations and advice to U.S. Attorneys on matters such as legislation, regulations and departmental guidelines. Through its Equal Employment Opportunity staff, the EOUSA implements affirmative action programs within the U.S. Attorneys' offices and manages a discrimination complaint program. The Financial Litigation Staff of the EOUSA provides direction and oversight to U.S. Attorneys in the conduct of their debt collection activities. The EOUSA Law Enforcement Coordinating Committee (LECC)/Victim Witness (VW) Staff, oversees each U.S. Attorney's office LECC/VW programs. Each office is responsible for the formulation and implementation of the LECC/VW plan. These plans are the backbone of the Administration's efforts to join with State and local authorities in conducting law enforcement functions. Another important responsibility of the EOUSA is the exercise of personnel management authority within the EOUSA and the U.S. Attorneys' offices. The Personnel Management Staff's authority includes all phases of personnel operations such as recruiting, classification, training, adverse action and employee relations. The acquisition and renovation of space as well as procurement of all equipment, furniture, supplies and material are program functions of the EOUSA. Finally, through its Financial Management Staff, the EOUSA formulates and executes a budget for all 94 U.S. Attorneys' offices and itself. The formulation process includes any need for amendments, supplementals, reimbursements and transfers.

Accomplishments and Workload: The Management and Administration workload of the United States Attorneys follows:

Item	1989	1990	1991	Estimates
LECC Unit				
a. Briefings on LECR/VW activities/written communication.....	1,040	1,300	1,300	1,300
b. Technical assistance/Oral Communication.....	4,160	4,420	4,420	4,420
Personnel				
a. AUSA appointments.....	1,043	2,200	1,963	3,000
b. Non-attorney appointments.....	3,175	2,470	2,337	3,381
c. Position classifications completed.....	807	1,000	1,000	850
d. Other personnel actions proposed.....	36,624	40,000	40,000	85,000
e. Security actions processed.....	11,773	17,000	17,000	25,000
Equal Employment Opportunity Unit				
a. Informal complaints received.....	19	30	35	45
b. Informal complaints terminated.....	11	14	20	25
Legal Counsel				
a. Freedom of Information requests received.....	1,600	1,950	2,800	2,931
b. Freedom of Information requests completed.....	1,600	2,200	2,000	2,000
Space renovations/relocations and security systems.....	842	991	948	864
Requisitions for services and goods processed by EOUSAs.....	1,067	1,458	1,460	1,500
Procurement actions completed by field offices.....	54,626	82,727	86,863	91,206
Office evaluation reports.....	43	32	36	36
Financial transactions records.....	14,700	18,700	20,500	20,500
Financial Litigation Staff				
a. U.S. Attorneys' cash collections (\$000)*.....	316,858	258,717	254,897	296,210
b. Number of returns of set.....	6,863	6,900	7,000	7,100
Office of Information Management				
a. Project Eagle District Implementations.....	...	30	64	...
b. Case Management Implementations (PC-USACTS).....	...	52	...	...
c. District Implementation of TALON.....	...	...	35	17

*Responsibility for collecting criminal fines shifted to the Administrative office of the U.S. Courts during 1989 causing U.S. Attorneys collections to decline in 1990. The trend is expected to continue through 1991.

The Management and Administration workload shows a mixture of progressive increase in some program areas and a constant performance level in other programs for Fiscal Years 1990 through 1992. Some increases will continue even if the United States Attorneys don't receive additional resources in 1992 because the service needs to field offices will have to be addressed. For example, the new personnel payroll system will require thousands of additional actions to convert the data base regardless of staffing increases.

Several program areas projecting workload increases are illustrated below:

The Personnel Unit plans to complete conversion of the Department of Justice Personnel and Payroll System to the Department of Agriculture Personnel and Payroll System in Fiscal Year 1992. This conversion will increase the number of personnel actions processed by the Personnel Unit. Also, there will be an increase in security actions such as background investigations processed by the Personnel Unit due to population growth. If the mandatory indexing for security reinvestigations is provided, it will result in an increase in security actions processed which is also reflected in the above table.

The Financial Litigation Staff (FLS) is responsible for providing technical, legal, and administrative support and debt collection training to the Financial Litigation units within the 94 U.S. Attorneys' offices. The cash collections include collections through U.S. Attorneys' offices, collections through the IRS Tax Return Offset Program, Bureau of Prison's Inmate Financial Responsibility Program, and collection through the Private Counsel Pilot Program in which eight districts are participating this fiscal year. The Federal Debt Collection Procedures Act which became law on December 29, 1990, will take effect on May 29, 1991. Because the Act substitutes a totally new scheme for debt collection, recoveries will suffer during the balance of 1991 as the USAOs become conversant with the new remedies and procedures. In 1992, however, the recoveries will increase. Further, a change in the requirements for completing W-4 forms has resulted in decreasing numbers of large tax refunds which are subject to be offset through the IRS Tax Return Offset Program. In other words, as a result of more accurate tax liabilities being reported on the W-4 forms, fewer people are recovering large tax refunds which may require adjustments. As of May 1, 1989, Clerks of the Court became responsible for processing payments of criminal fines. U.S. Attorneys' offices remain responsible for enforcing collection of these debts but ordinarily do not accept payment.

The Information Management office completed the conversion from the Docket and Reporting System to local automated case management systems in FY 1989, with the implementation of PC-USACTS in 52 districts. This software is now being migrated to the Data General equipment provided under EAGLE. The information in the case management systems is used to respond to requests for information and to provide data to the Justice Management Division's (JMD) for Departmental case management. Installation of TALON, (Tracking Assistance for the Legal Office Network) will begin in 1991 and conclude in 1992. This is the conversion of PC USACTS to the Eagle Data General equipment. Also, a series of computer security initiatives including distribution of training material, risk analyses, contingency planning and countermeasures have been implemented.

The U.S. Attorneys continue to acquire multiple-function office automation equipment. This equipment will replace existing word processing equipment in all the U.S. Attorneys' offices and will be capable of performing case tracking and other functions. This acquisition, undertaken in conjunction with two other Department components, has been named Project EAGLE. A contract was awarded in June 1989, and EAGLE equipment was acquired for two pilot offices at the end of Fiscal Year 1989. EAGLE equipment was installed in 30 United States Attorneys' offices and the Executive Office for United States Attorneys by the end of Fiscal Year 1990. Installation of equipment will continue in 1991 for the remaining 64 United States Attorneys' offices.

Program Changes:

	<u>1992 Base</u>		<u>1992 Estimate</u>		<u>Increase/Decrease</u>	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	WY Pos.	WY Amount
Management and Administration.....	166	\$24,291	174	\$26,183	8	\$2,092

For Management and Administration in 1992, the U.S. Attorneys request an additional eight positions, four workyear and \$2,092,000. The request is divided into the following initiatives:

EAGLE Maintenance

An increase of \$180,000 is requested for Legal Activities Office Automation (LAOA) costs. A significant amount of maintenance costs in 1992 are for EAGLE equipment purchased in 1989 and 1990 for the Executive Office for United States Attorneys and Western District of Texas. The maintenance of PC equipment is necessary to keep the EAGLE equipment operational without maintenance, or there is no system.

District of Columbia Case Management

An increase of \$200,000 is requested for the development and implementation of a new case management system to be installed in the District of Columbia and Superior Court Division. The Superior Court Division is currently operating the original version of PROMIS, which was developed in the early 1970's. The development and implementation of this new case management system will be integrated with the Criminal Justice Information System project (which is now underway in the District of Columbia) and will provide the District of Columbia office with unlimited tracking resources.

EAGLE Applications Development

An increase of \$900,000 is requested to begin the conversion of various applications to the EAGLE system. The U.S. Attorneys would convert administrative applications for budget, personnel and inventory management, LECC/VW tracking system and the asset forfeiture tracking system. The U.S. Attorneys will develop in-house, five to ten litigation software packages to support criminal official corruption cases, fraud against financial institutions, and narcotics investigations and forfeitures. For civil litigation, the applications will support complex bankruptcy cases and tort claims.

Conversion to USDA Payroll/Personnel System

At minimum, an increase of 8 positions, 4 workyears and \$138,000 is necessary to support the Department's conversion to the U.S. Department of Agriculture (USDA) Payroll/Personnel System. Data clean-up has begun, and the requested funding will be used to cover the costs of parallel DOJ/USDA system operation for the duration of the conversion period, as well as to fund unique Departmental system requirements. Conversion to the USDA system will provide substantial automated systems enhancements to personnel and payroll operations in the Department. In addition, it will achieve an Office of Management and Budget/Joint Financial Management Improvement Program (OMB/JFMIP) objective for the consolidation of Federal personnel/payroll system.

FMIS Enhancement

An increase of \$474,000 is necessary to support the Department's implementation of the Administration's "Management Priorities for the 1992 Budget" as outlined in OMB memorandum (M-90-05) dated July 16, 1990, to all Executive Departments and Agencies. The funding will be used to upgrade financial management systems consistent with the Administration's long standing goal of consolidating, upgrading and modernizing a single integrated financial management system within each agency. The project would include full implementation of the core financial requirements, the Standard Ledger and auditable financial statements.

	1991 Appropriation		1992 Base		1997 Estimate		Increase/Decrease	
	Perm.	Anticipation	Perm.	WY	Perm.	WY	Perm.	WY
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount

Debt Collection \$0,000

Legal Range Goal: To improve the collection of monies from individuals who owe the Federal Government billions of dollars in unpaid civil, criminal and tax debts.

Major Objectives:

To establish a special Debt Collection activity to pay for specialized services needed to improve the effectiveness and efficiency of debt collection personnel.

To provide debt collection training to Department of Justice personnel.

To develop a more aggressive and effective Debt Collection Program throughout the Department of Justice nationwide.

Base Program Description: The monetary recovery program of the Department of Justice has been declared a priority initiative in order to return significantly more money to the U.S. Treasury. Through the administration of a Debt Collection activity, the U.S. Attorneys will devote monies to promote and improve the performance of all Department of Justice personnel involved in debt collection functions. These functions include training, location of debtors and their assets, disposal of debtors' assets, and maintenance of property. Funding for debt collection activities is not requested in 1997. Balance from prior years will be available. The Civil Litigation program will continue to fund salaries and expenses of personnel necessary for ongoing efforts.

Accomplishments and Workload: The debt collection caseload statistics of 94 U.S. Attorneys' offices are included as part of the civil litigation decision unit. Cash collections are reflected as follows:

Item	Estimates	
	1997	1998
U. S. Attorneys cash collections (\$'000)	116,898	204,897
		296,210

United States Attorneys

Salaries and expenses

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Criminal Litigation Pos. Amount	Civil Litigation Pos. Amount	Legal Education Pos. Amount	Management & Administration Pos. Amount	Total Pos. Amount
Grades					
GS-11.....	38 \$1,230	59 \$1,909	...	8 \$254	105 \$3,393
GS-9.....	46 1,114	47 1,138	...	...	93 2,252
Ungraded positions.....	67 4,154	76 4,712	...	...	143 8,866
Total positions and annual rate.....	153 6,498	182 7,759	...	8 254	343 14,511
Lapse (-).....	-75 -3,257	-91 -3,879	...	-4 -127	-170 -7,263
Volent Crime workyears.....	60 2,890	...	...	...	60 2,890
Additional Compensation.....	...	1,176	...	...	...
Other personnel compensation.....	26	28	...	2	56
Special personal services payments.....	63	72	...	...	135
Total workyears and personnel compensation.....	116 9,426	91 5,156	...	4 129	211 14,711
Personnel benefits.....	2,933	1,570	...	42	4,445
Travel and transportation of persons.....	600	714	\$1,341	72	2,727
Transportation of things.....	47	49	...	...	91
USA rent.....	1,146	677	...	...	1,823
Rental payments to others.....	15	21	...	...	36
Comm., utilities and misc. charges.....	399	543	...	58	1,000
Printing and reproduction.....	95	118	62	2	277
Other services.....	14,122	7,292	136	1,754	23,904
Supplies and materials.....	106	152	...	16	274
Equipment.....	1,171	1,905	67	19	5,109
Total workyears and obligations, changes repeated, 1992.....	116 12,107	91 18,197	...	4 2,092	211 34,597

"Additional compensation" contains the resources for the increase in the attorney pay cap. Included in personnel benefits are the resources associated with this initiative (Criminal \$891,000 Civil \$295,000).

Bureau of Criminal Litigation

Salaries and expenses

Status of Congressionally Requested
Studies, Reports, and Evaluations

The Senate Report relating to Department of Justice Appropriations Act, 1991, requested the Department to complete an evaluation of the resources provided to meet the growing workload generated by the increasing number of financial institution fraud cases. A status report was provided to the Chairman of the Appropriations Subcommittee for the Department of Justice on January 15, 1991.

The Conference Report (HR101-909) requested: (1) funds expended and number of personnel assigned to the United States Attorneys' offices (USAs) to investigate and prosecute telemarketing fraud during the last two fiscal years; and (2) additional resources required to expand and accelerate the investigation and prosecution of telemarketing fraud and an explanation if no additional resources are required. A survey to respond to these questions will be taken in each of the 91 USAs by the Executive Office for United States Attorneys (EOUSA). To assist the Department in providing recommended statutory language, the EOUSA will coordinate with the Criminal Division's Fraud Section and the Office of Legislative Affairs. The results of the above mentioned survey and comments on proposed statutory language will be provided to the Committee May 5, 1991.

United States Attorneys
Salaries and expenses
Priority Ranking

<u>Base Program</u>		<u>Program Increase</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Criminal	1	Enhancement	
Civil	2	Violent Crime	1
Legal Education	3	Attorney Pay Increase	2
Management and Administration	4	Security	3
		Prosecutor/Support Resources	4
		Prosecutor/Support Resources	5
		Information Management	6
		Legal Training	7
		Transcripts	8
		Payroll and PMIS	9

United States Attorney
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1990 - 1992

Category	1990 Authorized	1991			1992		
		Authorized	Adjustment in Permanent Pos.	Program Supplemental	Total	Program Increases	Total
Attorneys (900).....	3,738	4,005	-99	15	3,981	143	4,124
Paralegal Specialists (950).....	716	775	...	10	735	97	832
Legal and Kindred (900-998).....	979	979	...	...	979	...	979
Criminal Investigative Series (1811).....	10	10	...	...	10	...	10
Civil Service, Economics and Kindred (100-199).....	2	2	...	...	2	...	2
Personnel Management (200-299).....	28	28	...	...	28	...	28
Gen. Admin. Clerical and Office Services (300-399).....	2,411	2,406	-94	...	2,407	101	2,508
Accounting and Budget (500-599).....	12	12	...	...	12	...	12
Library and Archives Group (1400-1499).....	8	8	...	...	8	...	8
Supply Group (600-699).....	2	2	...	...	2	...	2
Total.....	7,961	8,407	-198	25	8,434	341	8,775
Washington.....	192	192	-54	...	189	8	197
U.S. Field.....	7,769	8,415	-195	25	8,245	333	8,578
Total.....	7,961	8,407	-198	25	8,434	341	8,775

*Includes positions assigned to the United States Attorney's office in Washington, D.C.

United States Attorneys
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
Department of Justice Appropriations Act, 1991.....	8,607	8,304	\$673,095
Adjustment in permanent positions and workyears.....	-198	-198	...
Program supplemental requested (Transfer OSTF from Criminal Division).....	25	25	1,903
1991 appropriation anticipated.....	8,434	8,131	674,998
Adjustments to base:			
Mandatory increases:			
One additional compensable day.....	...	...	1,600
1991 pay annualization.....	...	...	3,315
1992 pay raise.....	...	...	13,764
Administrative salary increases.....	...	...	4,992
Annualization of Executive Level and Senior Executive Service pay increases.....	...	...	3,395
Special pay rates.....	...	...	873
General pay reform costs.....	...	...	1,584
Accident compensation.....	...	...	324
Health benefits.....	...	...	1,462
Federal Employee Retirement System (FERS).....	...	...	3,047
Federal Insurance Contribution Act.....	...	...	547
Travel: mileage.....	...	...	261
GPO and Department printing.....	...	...	209
Financial Operations Service.....	...	...	995
Project Eagle upgrade.....	...	...	3,420
Security investigations.....	...	...	42
Security reinvestigations.....	...	...	2,000
GSA rent.....	...	...	9,829
GSA recurring reimbursable services.....	...	...	736
Background investigations.....	...	...	2,655
Total, mandatory increases.....	...	...	55,050
Decreases:			
Federal Employees Compensation Act (FECA) Workers Compensation.....	...	...	-92
Debt collection.....	...	...	-5,000
Non-recurring costs-new 1991 positions.....	...	...	-297
Total, decreases.....	...	...	-5,389

	Perm. Pos.	Work- Years	Amount
1992 Base.....	8,434	8,131	721,659
Program Changes:			
Criminal Litigation.....	151	136	32,707
Civil Litigation.....	182	91	18,197
Legal Education.....	...	...	1,101
Management and Administration.....	8	4	2,092
Total, program changes.....	341	231	54,097
1992 Estimate.....	8,775	8,362	779,256

**United States Attorneys
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)**

Mandatory Increases:

	<u>Amount</u>
1. <u>One Additional Compensable Day</u> The annual salary rate for Federal employees is based on 260 paid days. FY 1992 has one more compensable day (262) than 1991 (261). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$1,200,000 for pay and \$400,000 for benefits.	\$ 1,600
2. <u>1991 Pay Annualization</u> This pay annualization represents first quarter amounts (October through December) of the 1991 4.1 percent pay increase effective in January of 1991 plus appropriate personnel benefits (\$2,485,000 pay and \$870,000 benefits).	3,315
3. <u>1992 Pay Raise</u> This request provides for the proposed 4.2 percent pay raise to be effective in January of 1992. The amount requested, \$13,764,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$10,323,000 pay and \$3,441,000 benefits = \$13,764,000).	13,764
4. <u>Administrative Salary Increases</u> This request provides for an expected annual pay adjustment of administratively determined salaries for the Assistant U.S. Attorneys occupying ungraded positions in the U.S. Attorneys Offices. (\$3,745,000 for pay and \$1,247,000 for benefits = \$4,992,000).	4,992
5. <u>Annualization of Executive Level and Senior Executive Service Pay Increases</u> This request of \$3,195,000 represents only the first quarter costs (October through December) of the Executive Level and Senior Executive Service proposed salary increases effective in January of 1991 (\$2,546,000 for pay and \$649,000 for benefits).	3,195
6. <u>Special Pay Rates</u> This request provides for rates as authorized by law in 5 U.S.C. 5303. The Office of Personnel Management has approved the rates for those positions where recruitment and retention of qualified applicants remains a priority. The Department currently has 76 special salary rate authorizations in effect. However, this request represents new special rates for only 10 recently authorized special rates and extends grade coverage for 5 existing authorized special rates.	873

	Amount
7. <u>General Pay Reform Costs</u>	\$ 1,584
The request for costs covered by the Federal Employees Pay Comparability Act of 1990 established essential Departmental cost requirements for this new government-wide pay system, which attempts to achieve full pay parity between Federal and non-Federal employees on a geographic basis. This increase allows \$1,584,000 for fifty percent of the Department's request for two provisions contained under this Act: staffing differential costs for GS-5,7,9, occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide adjustments for new positions, appropriate benefits, vacancy rates and cost-of-living increases. No increases are requested for discretionary allowances.	
The remaining unfunded fifty percent for this initiative will be required to be absorbed. Currently, however, no decisions have been made regarding base level funding cuts for this purpose.	
8. <u>Accident Compensation</u>	324
This increase reflects the billing provided by the Department of Labor for the actual costs in 1990 of employees' accident compensation. The 1992 amount will be \$1,127,697 or \$124,000 over the 1991 base.	
9. <u>Health Benefits</u>	1,462
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be sixty percent of the total rate commencing in 1975. Effective the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 16 percent due primarily to changes in enrollment plan since several plans are no longer available. The requested increase of \$1,462,000, or 15.83 percent, provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year.	
10. <u>Federal Employees Retirement System (FERS)</u>	3,047
This request provides for the additional costs in 1992 necessary to continue the implementation of the Federal Employees Retirement System Act of 1986, P.L. 99-335. This Act established a retirement program for Federal civilian employees and Postal workers hired after December 31, 1983 who are covered by Social Security and for employees under the Civil Service Retirement System who elected to transfer to this system. This increased requirement of \$3,047,000 for 1992 is based on actual agency payments in 1990 for the basic FERS annuity, Social Security and Thrift Savings Plans.	
11. <u>Federal Insurance Corporation Act</u>	547
Beginning the first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated increased to \$51,100. In addition, the rate increased to 7.65 percent. Medicare rates remained at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. This increase of \$547,000 is computed based on these rate changes.	

	<u>Amount</u>
12. <u>Travel: Mileage</u>	\$ 261
The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$261,000 for this change in allowance.	
13. <u>Government Printing Office (GPO) and Department Printing</u>	209
GPO is currently projecting a six-percent increase over the 1991 printing costs of \$3,483,000. An additional \$209,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.	
14. <u>Financial Operations and Systems Service (FOS)</u>	995
This request provides for the additional costs in 1992 for FOS and the Department's Financial Management Information System (FMIS) processing charges. A 7.5 percent increase is required for these charges. For 1991, no mandatory increase was requested. Personnel, benefits, space, printing, and data processing rates have all increased over time. Therefore, an increase of \$995,000 is requested for 1992. In addition, a redistribution of budget authority, based on actual costs, is necessary. The requested redistribution amount is \$239,931.	
15. <u>Project Eagle Upgrade</u>	3,420
The U.S. Attorneys appropriation will require \$3,420,000 to pay for upgrades to approximately 2,700 older Packard-Bell PC's that will allow them to be converted to EAGLE and to be used with ORACLE software as the various administrative applications for budget, personnel and inventory management are converted from the PRIME minicomputer environment. This also includes anticipated vendor software upgrades for an installed base of approximately 9,000 PC workstations during 1992.	
16. <u>Security Investigations</u>	42
The Office of Personnel Management (OPM) has notified users of an 8 percent increase in the standard rate charged for each full-field investigation over the 1991 base cost of \$2,300. The mandatory increase is calculated on the separation rate of 228 persons for 1991 (based on 1990 actuals) for a total increase of \$42,000.	
17. <u>Security Reinvestigations</u>	2,000
The security reinvestigation program has been receiving widespread attention due to the increase in espionage cases and the many situations where employees, who had been working in their jobs for a number of years, were discovered to be involved in various activities that were detrimental to the Nation's security. The OPM Federal Personnel Manual, Chapter 736 requires incumbents of certain positions to be reinvestigated, at a minimum, every 5 years. By 1992, the Department will require over 7,600 employees to be reinvestigated in each of the next 5 years to address the already existing backlog. An increase of \$2,000,000 will be required in 1992.	

	Amount
18. <u>General Services Administration (GSA) Rent</u>	\$ 9,829
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the tremendous increase in rental charges, GSA has allowed an overall 15 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$9,829,000 provides for this actual increase over the expected 1991 billing level.	
19. <u>GSA Recurring Reimbursable Services</u>	736
Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in excess of normal working hours. GSA estimates that a 15 percent increase is needed for the Department, although increase (or decrease) amounts by organization vary based on anticipated actual billings. This request for \$736,000 includes a Departmental redistribution to meet these actual needs as well as the 15 percent increase over our projected 1991 base.	
20. <u>Background Investigations</u>	2,655
The Federal Bureau of Investigation has notified users of a 63 percent increase in the rate charged for each investigation over the 1991 base cost of \$2,502. The mandatory increase is calculated on the number of investigations required at a cost of \$4,086 per investigations.	
Total mandatory increases.....	55,050
<u>Decreases (Automatic non-policy):</u>	
1. <u>Federal Employees' Compensation Act (FECA) - Unemployment Compensation</u>	-92
This decrease reflects billings provided by the Department of Labor for the actual costs in 1990 of employees' unemployment compensation. The 1992 amount represents a decrease of \$92,000 from the 1991 base.	
2. <u>Debt Collection</u>	-5,000
A Debt Collection fund was requested on a one-time basis to provide start-up costs for debt collection activities.	
3. <u>Nonrecurring Cost for Equipment for 460 Positions</u>	-297
This decrease is to remove one-time expenses for the purchase of equipment for the additional 460 employees authorized in 1991 for FIRREA.	
Total decreases.....	<u>-5,385</u>
Total, adjustments to base.....	<u>49,661</u>

- United States Attorneys

Salaries and expenses

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Grades and salary ranges	1990 Actual		1991 Estimate		1992 Request		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
ES-6, \$108,300.....	1	...	1	...	1	...	...	...
ES-4, \$100,500.....	3	...	3	...	3	...	...	...
ES-3, \$95,300.....	1	...	1	...	1	...	...	...
ES-2, \$91,200.....	1	...	1	...	1	...	...	...
GS/GM-15, \$61,643-80,138.....	35	...	35	...	35	...	...	...
GS/GM-14, \$52,406-68,129.....	51	...	51	...	51	...	...	...
GS/GM-13, \$44,348-57,650.....	142	...	142	...	142	...	...	...
GS-12, \$37,294-48,481.....	162	...	162	...	212	...	...	...
GS-11, \$31,116-40,449.....	330	...	345	...	442	...	97	...
GS-10, \$28,322-36,818.....	40	...	40	...	40	...	...	...
GS-9, \$25,717-33,430.....	358	...	361	...	361	...	...	...
GS-8, \$23,284-30,268.....	448	...	561	...	662	...	101	...
GS-7, \$21,023-27,332.....	1,392	...	1,417	...	1,417	...	...	...
GS-6, \$18,919-24,598.....	655	...	673	...	673	...	...	...
GS-5, \$16,973-22,067.....	436	...	442	...	442	...	...	...
GS-4, \$15,171-19,725.....	156	...	156	...	156	...	...	...
GS-3, \$13,515-17,574.....	21	...	21	...	21	...	...	...
GS-2, \$12,385-15,590.....	5	...	5	...	5	...	...	...
Ungraded positions.....	3,724	...	3,967	...	4,110	...	143	...
1992 Pay increase.....	...	...	...	...	...	\$13,764	...	\$13,764
Total, appropriated positions.....	7,961	\$336,833	8,434	\$375,345	8,775	424,043	341	48,698
Pay above stated annual rates.....	...	...	...	1,077	...	2,277	...	1,200
Lapses.....	-1,957	-82,749	-623	-23,435	-733	-37,325	-110	-17,890
Savings due to lower pay scales for part of year.....	...	...	...	-2,109	...	-3,287	...	-1,178
Net full-time permanent.....	6,004	254,084	7,811	350,878	8,042	385,708	231	34,810

equal than permanent:									
Part-time permanent.....	50	2,006	32	1,438	32	\$ 1,438	...	...	...
Temporary employment.....	367	10,876	245	13,165	245	13,165	...	...	...
Other part-time and intermittent employment.....	19	3,136	43	4,017	43	4,017	...	...	...
Total personnel compensation:									
Overtime.....	47	1,405	47	1,671	49	1,724	2	53	
Administratively uncontrollable overtime.....	1	76	1	79	1	82	...	3	
Other compensation.....	...	921	...	1,674	...	1,674	...	...	...
Total personnel services payments.....	...	24,766	...	3,009	...	3,224	...	...	115
Total, work years and personnel compensation:	6,988	283,480	8,179	375,961	8,412	410,982	233	35,021	
Average PS Salary.....		(\$48,867)		(\$99,383)		(\$103,557)			
Average GS/AM Salary.....		(\$26,191)		(\$26,905)		(\$26,421)			
Average Salary of Ungraded.....		(\$64,514)		(\$69,428)		(\$73,907)			
Average GS/AM Grades.....		6.93		7.01		7.20			

United States Attorneys

Salaries and expenses

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Object Class	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	6,004	\$254,084	7,811	\$350,878	8,042	\$388,558	...	...
11.4 Other than full-time permanent.....	536	24,228	320	18,620	320	18,620	...	...
11.5 Other personnel compensation.....	48	2,602	48	3,174	50	3,410	2	56
11.8 Special personnel services payments.....	...	2,766	...	3,089	...	3,224	...	115
Total, workyears and personnel compensation.....	6,588	283,680	8,179	375,961	8,412	413,832	233	...
12 Personnel benefits.....	...	56,726	...	86,054	...	103,289	...	...
14 Benefits for former personnel.....	...	53	...	238	...	238	...	...
21 Travel and transportation of persons.....	...	10,717	...	17,715	...	20,745	...	3,030
22 Transportation of things.....	...	7,298	...	1,922	...	2,026	...	104
23.1 GSA rental.....	...	39,035	...	49,413	...	61,223	...	11,810
23.2 Rental payments to others.....	...	1,837	...	1,202	...	1,238	...	36
23.4 Communications, utilities and miscellaneous charges.....	...	22,613	...	25,276	...	27,109	...	1,831
24 Printing and reproduction.....	...	2,888	...	3,749	...	4,248	...	499
25 Other services.....	...	60,947	...	86,463	...	110,299	...	...
26 Supplies and materials.....	...	6,440	...	6,722	...	7,056	...	314
31 Equipment.....	...	24,900	...	19,330	...	27,953	...	8,623
Total obligations.....	6,588	513,594	8,179	674,045	8,412	779,256	233	105,211
Unobligated balance, start of year.....	...	1,000	...	5,950	...	5,000	...	...
Unobligated balance, end of year.....	...	5,950	...	5,000	...	5,000	...	...
Unobligation balance, lapsing.....	...	420	...	673,095	...	779,256	...	...
Total requirements.....	...	518,864	...	673,095	...	779,256	...	...
Revelation of obligations to outlays:								
Unobligated balance, start of year.....	...	102,547	...	71,555	...	89,662	...	...
Unobligated balance, end of year.....	...	71,555	...	89,662	...	106,911	...	...
Adjustments in expired amounts.....	...	24,105	...	6,538	...	761,987	...	...
Outlays.....	...	515,281	...	673,095	...	779,256	...	...

United States Attorneys
Salaries and Expenses
Consulting and Related Services
(Dollars in thousands)

	<u>1990 Actual</u>	<u>1991 Estimate</u>	<u>1992 Estimate</u>
Consulting Services.....	\$176	\$408	\$200
Management and Professional Services.....	16	120	480
Special Studies and Analysis.....	...	200	...
Total.....	192	828	680

Consulting and related services are used for services which cannot be performed in house. In 1990, the following services were received: Professional services for the production of the United States Attorneys' Annual Statistical Report, \$7,875; acquisition of technical consulting services for PC-USATS programming support and the design of a document generation program, \$116,000; and \$8,000 for professional services and training for the Computer Assisted Design Automated System.

In 1991, consulting and related services will be required for the following: Professional services for the production of the United States Attorneys' Annual Statistical Report, \$8,200; establish the Computer Assisted Design floorplan database, \$100,000; Architect and Engineering (A&E) design services, utilizing the Justice Management Division contract \$100,000; technical consulting services for programming support to migrate PC-USATS to IBM equipment, \$100,000; acquisition of technical consulting services for inventory/hotline/accounts payable programming support, \$10,000; technical specifications and associated criteria for a national security contract, \$200,000; Computer Assisted Design implementation and training, \$10,000; development of an attorney timekeeping (case weight study) system, \$200,000; and development and reproduction of video tape(s) in support of a Security Awareness program, \$100,000.

Estimates for 1992 include: Professional services for the production of the United States Attorneys' Annual Statistical Report, \$10,000; A&E design contract services, \$150,000; continue the Computer Assisted Design USAO floorplan database implementation, \$150,000; development and reproduction of video tape(s) in support and continue implementation of the USAO Security Awareness Program, \$110,000; and technical consulting services for extension of the attorney timekeeping (case weight study) programming, \$200,000.

Mr. EARLY. Testifying on behalf of the U.S. Attorneys is Mr. Joseph M. Whittle, United States Attorney for the Western District of Kentucky and Timothy D. Leonard, United States Attorney for the Western District of Oklahoma. They are accompanied by Laurence S. McWhorter, Director of the Executive Office for U.S. Attorneys.

Mr. Whittle, we will insert your biography and your testimony in the record and ask that you proceed with your statement.

GENERAL STATEMENT

Mr. WHITTLE. Thank you. I am pleased to appear in support of the 1992 budget request for the U.S. Attorneys. My written statement has been offered for the record.

To summarize that statement, you will note that U.S. Attorneys are requesting a total of a little more than \$779 million for fiscal year 1992. This represents an increase over 1991 of approximately \$154 million.

About half of this increase would go to pay for mandatory increases to fund the 4.2 percent pay raise for personnel to be effective in January 1992, and to meet the tremendous increase in General Service Administration space rental charges.

Thus, the 1992 mandatory increases would permit us to sustain current staffing levels instead of reducing ongoing legal operations to absorb these mandatory increases. The remainder of the requested increase would permit us to boost salaries and benefits of attorney personnel, to permit us to keep our able lawyers and slow the loss to the higher-paying private sector, to enhance security in our offices, to safeguard the safety and security of our personnel and information, to pay increased costs of court reporter transcripts, to enhance our efforts against environmental crime, to materially beef up our efforts against violent crime, to widen our investigation and prosecution of organized crime, to better address hate crimes and other civil rights violations, to further increase our effort in the field of affirmative civil litigation, especially with regard to recovery of civil penalties for program fraud, bankruptcy fraud, procurement fraud and civil forfeiture of drug proceeds and property. Also, to better defend the Government against the claims of others and to enhance our debt collection efforts, to provide for the continuing cost and number of civil RICO cases, to maintain and enhance our Eagle computer system and to train our new civil and criminal attorneys.

The increased funds would permit us to add a total of 341 positions and 231 workyears to our 1991 work force of 8,434 positions and 8,131 workyears. This, of course, is in addition to the additional 153 positions, for which we expect to be reimbursed out of the 1992 Organized Crime Drug Task Force program.

Mr. Chairman, that summarizes my statement. We will be happy to respond to your questions.

[The statement of Mr. Whittle follows:]

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEYS

STATEMENT OF JOSEPH M. WHITTLE
UNITED STATES ATTORNEY WESTERN DISTRICT OF KENTUCKY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1992 budget request for the United States Attorneys.

The United States Attorneys (USAs), who are the principal litigators on behalf of the United States Government, are requesting a total of \$779,256,000, 8,775 permanent positions (including 4,017 Assistant United States Attorneys) and 8,362 workyears for 1992. These resources will enable the USAs to:

- (1) Raise the pay cap of attorney personnel;
- (2) Provide secure workplaces for personnel;
- (3) Increase criminal litigation efforts in white collar environmental crime, organized crime, and hate crimes;
- (4) Pursue defensive litigation in the areas of prisoner petitions, medical malpractice and Bivens (police misconduct) cases;
- (5) Process collection of the increased numbers of fines that additional prosecutors will generate;
- (6) Cover the continuing rise in the costs and number of Civil RICO cases;
- (7) Pursue untapped revenue through affirmative civil litigation; and
- (8) Maintain Project EAGLE (office automation) equipment, convert various administrative software packages to the EAGLE system, develop a new case management system for the

District of Columbia United States Attorney's Office, and convert to the United States Department of Agriculture Payroll/Personnel System.

In addition, the United States Attorneys expect to be reimbursed \$82,428,000 for 1,109 positions (including 598 Assistant United States Attorneys) and 1,015 workyears associated with the Organized Crime Drug Enforcement Task Forces.

The \$779,256,000 request is an increase of \$104,258,000 over the 1991 anticipated appropriation level. Forty-eight percent of the increase, or \$49,661,000, is for mandatory increases, primarily to fund the 4.2 percent pay raise to be effective in January 1992, and to meet the tremendous increase in GSA space rental charges. Thus, the 1992 mandatory increases will permit the United States Attorneys to sustain the current staffing level without reduction of ongoing operations to absorb pay and other mandatory costs.

Role of the United States Attorneys

The work of the United States Attorneys is the heart of the Nation's legal system. Within each of the 94 Federal districts in the 50 States, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands, the United States Attorney is the chief law enforcement representative of the Attorney General, enforcing Federal criminal law and handling most of the civil litigation in which the United States is involved. It is our mission to prosecute those who violate our nation's criminal laws, to protect the public from those who would further illegally their private interests at the expense of the general welfare, to

protect the legitimate powers of the Federal Government from those who would usurp the powers, and to assert affirmatively, through the courts, those national policies established by Congress, the Administration and the Attorney General.

We function as an integral part of the Federal justice system. We act in concert with the investigative agencies, the courts and the rest of the executive branch of government. Particular emphasis or increased resources in any one area creates a ripple effect, spreading to all areas in the Federal justice system. Therefore, when resources are authorized for the investigative agencies, it results in more matters being referred to the United States Attorneys.

Combined Criminal and Civil Special Initiatives

First, the U.S. Attorneys seek \$4,007,000 in the criminal litigation program and \$1,471,000 in the civil litigation program to boost the salaries and benefits of attorney personnel. The purpose of this initiative is to slow the loss of Assistant United States Attorneys (AUSAs) to higher paying, private-sector law firms. Under this initiative, the salary cap for supervisory AUSAs will be raised to \$96,400. This compares to a salary cap of \$78,200 for AUSAs in 1990. The pay cap for First Assistant U.S. Attorneys will be raised to \$100,500 in 1992.

Second, we request \$2,678,000 to enhance security in the U.S. Attorneys' offices. The increased concern for the safety of employees and security of information has resulted in the initiation of an active security program in each U.S. Attorney's office. The requested funds will allow districts to institute

access control into their offices, enhance forced entry protection, and pay for duress alarms, telephone security, and storage protection.

Finally, to pay increased costs of court reporter transcriptions, \$5,000,000 is requested. The Judicial Resources Committee of the Judicial Conference has elected to increase rates, subject to availability of funds, that will eliminate the differential in transcript fee rates between the government and private practitioners charged by its salaried court reporters for transcription of courtroom proceedings. The Federal Government currently pays \$2.00 per page of original, regular transcription, while private practitioners pay \$3.00 per page. Other types of services, including expedited and hourly transcription rates have increased by more than 50 percent.

White Collar Crime

The United States Attorneys request an increase of 33 positions, 17 workyears and \$2,097,000 to prosecute crimes against the environment. These resources will ensure that the U.S. Attorneys, in conjunction with the Environment and Natural Resources Division, can adequately address major criminal violations of environmental law. The increased use of criminal penalties is necessary to impress the seriousness of these offenses upon those who pollute our environment. In 1990, Congress enacted the new Clean Air Act amendments as well as the Pollution Prosecution Act. Each of these acts contains new criminal penalties for damage to the environment. The new investigators authorized by the Pollution Prosecution Act for the

Environmental Protection Agency should result in numerous criminal referrals in 1992 and beyond. During 1990, the Department of Justice recorded a 33-percent increase in felony indictments for environmental crimes. A record 134 indictments were returned and the Department achieved a 95-percent conviction rate. Over the last eight years, the Department has secured over \$56,000,000 in criminal fines for environmental crimes. Given the Department's firm commitment to prosecute environmental cases, the U.S. Attorneys must be prepared to meet this challenge.

Violent Crime

The United States Attorneys request an increase of 58 positions, 89 workyears, and \$16,319,000 to prosecute violent crime on a National scale and for District of Columbia Superior Court prosecutions.

A total of 60 workyears and \$12,853,000 will provide resources for a new Violent Crime Initiative that will be presented by the Administration in March 1991. The 60 workyears and \$3,853,000 of the total will provide the necessary Federal resources to implement the initiative.

The request for District of Columbia Superior Court prosecutions is 58 positions, 29 workyears, and \$3,466,000. The District has been dubbed notoriously the "murder capital of the country" because it has the highest per capita murder rate in the nation. The United States Attorney's Office for the District of Columbia is in a unique position. The office must prosecute cases normally prosecuted under State and local jurisdiction.

Currently more than 200 first degree murder cases and an additional 100 second degree murder cases await prosecution. The rate of homicides in the District has not abated, and the impact on prosecution resources is cumulative as both old and current cases are closed by police and dispositions lag behind arrests. Additional resources will reduce existing case backlog and allow the office to remain abreast of the current case load.

Organized Crime

We request 25 additional positions, 12 workyears and \$1,712,000 to prosecute organized criminal organizations and their members.

We have streamlined and enhanced the Federal attack force on organized crime by merging the Organized Crime Strike Force Units into the United States Attorneys Offices in the districts where they were headquartered. However, resources must be available not only to some major cities but to all major cities and more rural areas. The web of traditional organized crime is increasingly permeating non-metropolitan areas as the city-based organized crime leaders expand their economic base. The United States Attorneys must prosecute the members of these organizations who perpetrate crime in their district.

Civil Rights

We are requesting 35 additional positions, 18 workyears, and \$2,394,000 for prosecution of civil rights violations.

Recently, individuals and groups exploiting prejudice have reemerged. These individuals and groups have evolved from holding privately nurtured grievances to committing acts of

violence as we have seen in the prosecutions of "Skinheads" in the District of Columbia and the Aryan Nation in Colorado and the State of Washington. By 1992, the Hate Crimes Statistics Act of 1990 will document the extent and nature of these threats.

Affirmative Civil Litigation

We request an increase of 36 positions, 18 workyears, and \$3,562,000 for affirmative litigation. In recent years the United States Attorneys' civil program has received no increases in resources. Debt Collection and affirmative litigation must be given greater priority because failure to recover monies owed the Government undermines national authority.

While seldom receiving the public attention that criminal cases do, civil lawsuits handled by United States Attorneys are an essential component of the Department's overall program. If we are to pursue aggressively drug related civil forfeitures, affirmative civil enforcement and the Government's claim in bankruptcy court, more civil attorney positions are necessary. The United States Attorneys can not control the amount of defensive litigation filed because every time someone sues the Government, it must defend. Because defensive cases must receive higher priority, the program assigns affirmative litigation to attorneys who are not working on defensive matters. Affirmative litigation remains a revenue resource, potentially netting the Government millions of dollars. For example, the District Court for the Eastern District of Pennsylvania imposed an \$18 million judgment against a dentist for fraudulent medicare claims. The United States Attorneys could pursue more of these cases if

additional civil attorneys were authorized.

Defensive Monetary Litigation

We request an increase of 36 positions, 18 workyears and \$2,382,000 for defensive litigation.

United States Attorneys' offices devote most of their civil resources to defensive litigation because they must defend the Government in the numerous cases filed. Defensive litigation is increasing in the areas of prisoner petitions, medical malpractice, and Bivens (police misconduct) cases.

If the prison population increases as we expect, prisoner petition caseloads will increase substantially. For example, in 1992, three new Federal correctional institutions will be in various stages of opening within the Middle District of Pennsylvania, eventually having a profound and substantial impact on the work of the Civil Program. Statistics generated by the Administrative Office of the U.S. Courts indicate that the Middle District of Pennsylvania is usually first in the number of prisoner petitions or civil rights cases handled.

We expect the number of medical malpractice cases in the United States Attorneys' offices to increase significantly. Major military installations generate substantial medical malpractice caseloads and consume an inordinate amount of attorney time.

Finally, there has been a significant increase in Bivens cases largely related to increased law enforcement presence and intensified enforcement efforts along the international borders.

Debt Collection

An increase of 110 positions, 55 workyears and \$6,782,000 is requested for Debt Collection.

The number of United States Attorney criminal prosecutors has grown tremendously in recent years. However, there has not been a commensurate growth in the number of administrative resources assigned to the Financial Litigation Units (FLUs). FLUs are the special units within each office that collect money owed the Government. We request additional resources to collect the increased numbers of fines that additional prosecutors will generate. The caseload growth also is due to: the increase in criminal fines and assessments under the new sentencing guidelines; emphasis by the Administration on collection of dollars owed to the Government; and the Congressional mandates that our offices pursue conviction of those involved in more complex criminal activities such as financial institution fraud and violent crime.

The United States Attorney workload measures indicated that district FLU personnel are handling between 500 and 1,320 cases per person. We believe the optimum caseload to be 300 to 400 cases per person. When the full complement of new attorneys authorized in 1990 and 1991 are on-board, the workload will increase significantly and existing backlogs will grow.

Finally, the newly-enacted Federal Debt Collection Procedures Act contains provisions on prejudgment remedies and fraudulent transfers. The purpose of these provisions is to recover assets that Federal debtors have hidden or shifted to

other parties. The request for additional resources will allow the U.S. Attorneys to take full advantage of the legislation.

Civil RICO

The United States Attorney's request \$2,500,000 in 1992 to cover the continuing rise in the costs and number of Civil RICO cases. In prior fiscal years, the U.S. Attorneys have had to pay the exorbitant costs of court appointed administrators in Civil RICO cases by shifting funds from other critical requirements. In addition, resources are necessary to acquire litigative support services to retrieve, index and store documents for Civil RICO cases and to automate data bases. The International Longshoremen's Association (ILA) litigation support plan for FY 1991 is an example of the extremely high costs that we incur in Civil RICO cases. The projected cost of the ILA's litigation support plan in FY 1991 is \$875,000. The litigation support tasks include development and maintenance of the expense data base, full-text data base, maintenance of the New York document center, trial support and project management. It is estimated that the size of the database will be 100,000 pages.

Management and Administration

For Management and Administration in 1992, we request an additional 8 positions, 4 workyears and \$2,092,000. The request is divided into five initiatives:

First, we request an increase of \$180,000 for maintenance of EAGLE office automation equipment purchased in 1989 and 1990 for the Executive Office for United States Attorneys and the Western District of Texas. The maintenance of PC equipment is essential

to keep the EAGLE equipment operational.

Second, we request an increase of \$200,000 for the development and implementation of a new case management system for the District of Columbia Federal and Superior Court divisions. The Superior Court Division currently is operating the original version of PROMIS, a case management system developed in the early 1970's. The requested system would provide the District of Columbia office with unlimited tracking resources. We will integrate the development and implementation of this new case management system with the Criminal Justice Information System project (which is now underway in the District of Columbia).

Third, an increase of \$900,000 is requested to begin the conversion of various software applications to the EAGLE system. The U.S. Attorneys plan to convert administrative applications for budget, personnel and inventory management, Law Enforcement Coordinating Committee/Victim Witness tracking system and the asset forfeiture tracking system. Also, the U.S. Attorneys will develop in-house five to ten litigation software packages to support official corruption prosecutions, fraud against financial institutions, and narcotics investigations and forfeitures. For civil litigation, the software applications will support complex bankruptcy cases and tort claims.

Fourth, an increase of 8 positions, 4 workyears and \$338,000 is necessary to support the Department's conversion to the United States Department of Agriculture (USDA) Payroll/Personnel System. Conversion to the USDA system will provide substantial automated

systems enhancements to personnel and payroll operations in the Department. In addition, it will achieve an Office of Management and Budget/Joint Financial Management Improvement Program objective for the consolidation of Federal personnel/payroll systems.

Finally, an increase of \$474,000 is necessary to support the Department's implementation of the Administration's "Management Priorities for the 1992 Budget." We would use this funding to upgrade financial management systems consistent with the Administration's long standing goal of upgrading existing systems and consolidating them into a single, integrated financial management system within each agency. The project would include the core financial requirements, the Standard General Ledger and auditable financial statements.

Legal Training

Additional funds in the amount of \$1,601,000 are requested to train new personnel for the Criminal, Civil and OCDETF programs in 1992. These funds will provide travel and training costs for one basic criminal or civil course for new attorneys and travel and training costs for one basic legal research and writing course for new paralegals.

This concludes my statement in support of the U.S. Attorneys' 1992 budget request. I would be pleased to respond to any questions that you or the other subcommittee members may wish to ask.

BIOGRAPHY

Mr. EARLY. I see your biography. You didn't happen to go to the University of Western Kentucky, did you?

Mr. WHITTLE. One summer. I had a brother who taught there.

Mr. EARLY. Is that right? I see you were born in 1933, so you were there about the same time. They had a great basketball player there by the name of Marshall.

Mr. WHITTLE. Tom Marshall.

Mr. EARLY. They played Holy Cross in the semi-finals. Do you recall that? That would be probably your senior year.

Mr. WHITTLE. I recall they played a lot of good teams. I assume Holy Cross beat them.

Mr. ROGERS. Would the chair yield?

Mr. EARLY. Of course I yield.

Mr. ROGERS. Can I ask the witness if he recollects a short, dumpy guard for Holy Cross? [Laughter.]

[The biographies follow:]

BIOGRAPHY OF JOSEPH M. WHITTLE

Joseph M. Whittle has been the United States Attorney, Western District of Kentucky since February 26, 1986. He is also the Chairman of the Attorney General's Advisory Committee. Prior to his appointment as United States Attorney, he served as the County Attorney, Grayson County, Kentucky and was in private practice for twenty-three years in Leitchfield, Kentucky.

Joseph M. Whittle was born in Brownsville, Kentucky on February 7, 1933. He received a J.D. from the University of Louisville in 1955. During the period 1956-1959, Joseph M. Whittle served in the United States Navy and United States Army. He later was an Attorney Advisor, United States Army Corps of Engineers.

Joseph M. Whittle is married and has six children. He is a member of the Kentucky State Bar since 1955.

BIOGRAPHY OF TIMOTHY D. LEONARD

Timothy D. Leonard has been the United States Attorney, Western District of Oklahoma since October 10, 1989. He is also the Chairman, Office Management and Budget Subcommittee of the Attorney General's Advisory Committee. Prior to his appointment as United States Attorney, he served as an Oklahoma State Senator in Oklahoma City for nine years.

Timothy D. Leonard was born in Beaver, Oklahoma on January 22, 1940. He received a B.A. from the University of Oklahoma in 1962 and his J.D. in 1965 from the University of Oklahoma School of Law. During the period, 1965-1968, Timothy D. Leonard served in the United States Navy.

Timothy D. Leonard is married and has three children. He is a member of the Oklahoma Bar Association, and the Oklahoma County Bar Association.

DELAYS IN CIVIL PROCEEDINGS

Mr. EARLY. Before we go to criminal litigation, I have some questions on civil litigation because we are aware of significant delays in civil proceedings in the Federal courts. Would we be making a bad situation even worse by providing you with the additional 182 people you are looking for in civil litigation?

Mr. WHITTLE. I think the civil litigation delays are not nationwide. They are in some areas. For example, I think Florida has a tremendous delay in civil litigation. That is not true in some of the other areas. We would allocate resources to those districts that could use them.

DECLINE IN CIVIL CASES PENDING

Mr. EARLY. The number of civil cases pending has been declining steadily since 1989. Does this not indicate that the U.S. Attorneys have sufficient resources to handle the workload and would not require additional people for 1992?

Mr. WHITTLE. No. We feel there is a fertile field out there, especially in affirmative civil fraud cases. When the former deputy, Ed Dennis, was U.S. Attorney in Philadelphia, he instituted a pilot program of going after Federal Government program fraud and procurement fraud.

It showed that you could realize about \$2.5 million for each Assistant U.S. Attorney that he dedicated to civil fraud. So we feel like, especially in medicare fraud and procurement fraud, that there is a lot of money to be recovered for the Government.

REQUEST FOR ADDITIONAL CIVIL POSITIONS

Mr. EARLY. Will you expand a little bit on the record on why we should give you the 182 positions.

[The information follows:]

REQUEST FOR ADDITIONAL CIVIL LITIGATION RESOURCES

A shortage of civil attorneys has hurt the affirmative civil effort since the resources must be allocated first to defending suits filed against the Government. Thus, affirmative litigation remains an untapped source of revenue. The request for 36 positions (18 AUSAs) represents a new thrust by the U.S. Attorneys to increase the recovery of monies owed to the Government.

Defensive litigation is increasing in the areas of prisoner petitions, medical malpractice, and Bivens cases. In addition, because offices must defend the Government in the numerous cases filed, they cannot control the volume of cases. Thirty-six additional positions (18 AUSAs) are requested to stem the rising caseload in this area.

While there has been tremendous growth in the number of prosecutors and investigators Department-wide, there has not been a commensurate growth in the number of prosecutors and support staff that sue to collect monies owed the Government. Essential to the reduction of a growing caseload is a request for 110 positions (40 AUSAs) to eliminate backlogs and increase collections.

In addition, funding is requested to: provide funding for increased costs of Civil RICO cases; cover increased transcription costs; and fund an increase in the 1991 pay cap for supervisory attorneys.

The chart below summarizes the 1992 requested increase for Civil Litigation.

[Dollars in thousands]

Description	Pos	FTE	Amount
Affirmative Litigation.....	36	18	\$3,562
Defensive Litigation.....	36	18	2,382
Debt Collection.....	110	55	6,782
Civil RICO.....			2,500
Transcription.....			1,500
Attorney Pay Enhancement.....			1,471
Total, Civil Litigation.....	182	91	18,197

CASE FILINGS

Mr. EARLY. Now, when we examined your projected workload for fiscal year 1992, it did not seem to grow as much as your funding request. For example, cases filed only increased by 2 percent and

your jury proceedings increased by only 2 percent. How do we justify 9 percent real growth in funding without a commensurate increase in workload?

Mr. WHITTLE. If I could refer that to Mr. McWhorter.

Mr. McWHORTER. I think the quality of the cases filed and the time frames involved in moving the cases through the investigation to the trial stage would be improved immeasurably. The delay in the criminal cases filing is one of the bad parts of the system. I think anything that can be done to increase the speed of the criminal cases through the system is going to be helpful.

Mr. EARLY. That certainly would be a legitimate argument if we speed up the process. Every delay costs money. If you speed up the process, I would assume you would be able to handle more cases—I can accept that.

Mr. McWHORTER. The other part of the question, I think, is that more and more of the cases that U.S. Attorneys are trying, investigating and prosecuting are complex cases involving a lot of attorney time and often involve millions of documents. It just takes a lot of manpower to get that case to the court.

ATTORNEY PAY ENHANCEMENTS

Mr. EARLY. Never have the Federal courts had as many cases a year as they have now. We just can't allow that to continue. I don't know how you go about it. I think there is going to have to be some type of legislation. I know there have been several cases in Massachusetts that have gone over a year in 1989 and 1990. The system can't work if we allow that.

Please explain your proposed attorney pay enhancement initiative.

Mr. McWHORTER. If I may, Mr. Chairman, this year, as you know, in January the executive level pay went up in the Government. We were able to put that in effect for U.S. Attorneys and, for the first time, for supervisory Assistant U.S. Attorneys. Many of them were raised from the previous cap of \$78,000 to \$87,000 and in some cases \$92,000 and \$96,000 a year for supervisory assistants.

Part of the increase is for continuing to pay supervisory Assistant U.S. Attorneys at levels a notch above what they are paid this year in keeping with members of the Senior Executive Service in the Department of Justice, and also to continue that executive pay level for U.S. Attorneys.

We also anticipate a 4.2 percent cost of living increase across the board next year, and are hopeful that we will see an additional annualization of geographic pay that went into effect in the New York metropolitan area, San Francisco and Los Angeles for next year.

AMOUNT REQUESTED FOR ATTORNEY PAY INCREASE

Mr. EARLY. Actually, the Attorney General made a pretty good case for the adjustments for the U.S. Attorneys just for retention.

What is the total amount requested for this pay enhancement for all the AUSAs in fiscal year 1992? What is the full year impact?

Mr. McWHORTER. If I may have my financial manager answer that question for the record.

Mr. EARLY. Just provide it for the record.
[The information follows:]

ATTORNEY PAY INITIATIVE

The initiative is being implemented in two distinct phases. As the first phase was implemented in January 1991, the 1992 request includes annualization costs for this phase to cover the costs involved in paying these costs for the full fiscal year in 1992 instead of the nine months payable in 1991. The amount requested is shown as a mandatory increase of \$3,395,000. To cover the second phase of the implementation, which will take place in January 1992, a program increase of \$5,478,000 is requested. It will take an increase of approximately \$515,000 in 1993 to annualize the second phase.

DISTRIBUTION OF ATTORNEY PAY ENHANCEMENT

Mr. EARLY. Will all the offices receive their pay enhancement regardless of cost of living or retention rates in the certain geographic areas?

Mr. McWHORTER. The pay system for Assistant U.S. Attorneys approved by the Attorney General this year that we expect to be in effect next year, pays a higher rate for supervisory assistants in the nine largest districts, ones with over 100 Assistant U.S. Attorneys.

Everybody else is a notch down on the pay scale. It is comparable to the Senior Executive Service level 4 and level 3 as being the ceiling for supervisors in the remaining districts.

Mr. EARLY. That is nice for San Francisco and New York, but Kentucky and Massachusetts aren't doing well under that system.

Mr. McWHORTER. I think the cost of living in those places is such that these increases are in fact a big help in those districts too. I should defer to my colleagues from Oklahoma and Kentucky perhaps.

Mr. EARLY. We did correct the problem in New York. The last testimony the last couple of months shows we have compounded the problem over an awful lot of other areas. Everyone is coming in now looking for that locality based increase.

At this time, I am going to yield to Mr. Rogers.

RECRUITMENT OF ASSISTANTS AUTHORIZED IN 1991

Mr. ROGERS. Thank you, Mr. Chairman. I am delighted to see my friend, Joe Whittle, here today, a personal friend of mine for many years, long before I was in Congress and long before he was a U.S. Attorney. We both practiced law not very close together, but friends. He has done a whale of a good job in the Western Kentucky District which is headquartered in Louisville. A very heavy caseload, and Joe does a super job.

To follow up on the chairman's questions, have you had difficulty filling those new U.S. Attorney assistant slots we gave last year?

Mr. WHITTLE. You are talking about nationwide?

Mr. ROGERS. Yes.

Mr. WHITTLE. No, not from the standpoint of recruiting. Sometimes space demands inhibit us from getting people on board as soon as we would like. We have to make sure we have an office for them, have the equipment necessary.

ATTORNEY TURNOVER

Mr. ROGERS. Are we losing assistants very heavily?

Mr. WHITTLE. I will ask Mr. McWhorter to address that from a nationwide standpoint.

Mr. McWHORTER. The annual turnover rate for the last several years for Assistant U.S. Attorneys has been about 8 percent. Last year we lost about 220 odd Assistant U.S. Attorneys, which is not a particularly large rate of turnover.

ATTORNEY PAY INITIATIVE

Mr. ROGERS. The special pay program for assistants above and beyond the automatic pay increases due next year, which you have included, are they necessary, that special pay initiative?

Mr. McWHORTER. I think so. In the large cities we are not competitive even now. Assistant U.S. Attorneys that come into the Southern District of New York, for example, take pay cuts ranging from \$20,000 to \$50,000, and in one case recently, a \$75,000 pay cut, to come into the office.

In San Francisco and Los Angeles, the turnover is greater. I think it is largely because of pay in the big cities and pay that is obtainable in private practice that our turnover rate in the big cities is greater than it is in the smaller districts.

Pay is one of the primary enhancements that we have to attract Assistant U.S. Attorneys, but it is really the work. Even now and even with the pay increases next year, we are not going to compete with the salaries payable in private practice. If it weren't for the high quality work, we would be in trouble.

VIOLENT CRIME IN THE DISTRICT OF COLUMBIA

Mr. ROGERS. Following on last week's crime summit, the President announced his crime package, another big commitment to fighting violent crime. I know it is the backlog of homicide cases here in the document, in your opening statement and in your budget documents.

Are there any special attempts to get at this problem here in the nation's capital?

Mr. WHITTLE. Notice we are asking for a number of workyears here in D.C. to work in the local courts, the violent crime section.

Mr. McWHORTER. We are asking for 58 positions in the next fiscal year. The U.S. Attorney here has established task forces to address the prosecution effort in all of these homicides for which there is a suspect.

Mr. WHITTLE. I am also advised in fiscal year 1990 we had a lot of resources go to D.C.

Mr. ROGERS. I am not sure it is a worse problem than other places. Boy, I am telling you, the backlog of this city of unprosecuted cases is absolutely astounding. I don't know what the operation is here now, but it gives me the impression it is almost hopeless. Can you make me feel better about that?

Mr. McWHORTER. I think the impact of the resources that we gave to the attorney here in the District last fall are just beginning to be felt in the District. I think you will see in the future a turn-

ing around of that major problem. There are a lot of people being killed in the District.

Mr. ROGERS. Not only killed, but robbed and beaten in the very shadow of the Supreme Court building. It is a disgrace.

As the chairman has said, it is outrageous. These people ought to be incarcerated.

Mr. EARLY. You and this gentleman from Kentucky understand each other so well. I am not understanding either one of you.

Mr. WHITTLE. One of the best things to be done is the President's crime bill that he proposed yesterday. It will put teeth into the law where we can give death penalties to certain cases.

PRESIDENT'S CRIME BILL

Mr. ROGERS. What about his package appeals to you? What would it do to change things?

Mr. WHITTLE. Well, I have not read all the bill that was proposed only yesterday. But, I would say if we can focus more on punishing the criminal and protecting the victim rather than protecting the criminal, we can send a message that needs to be sent to the criminal element of this country.

INCREASE FOR D.C. SUPERIOR COURT

Mr. ROGERS. Perhaps one of the things you can expand on is the new focus the initiative in D.C. will take and how you will target the increases that you are asking at least for D.C.

Mr. McWHORTER. The U.S. Attorney plans to assign all of these resources to the Superior Court Division, which is the part of the office that is most like the district attorney's office in any other city, and establish task forces to address the crimes, concentrate on homicides and the other serious aggravated felonies as well.

DEBT COLLECTION INITIATIVE

Mr. ROGERS. You are showing an increase of \$6.8 million for debt efforts, debt collection efforts next year. Give us an update on your debt collection initiative.

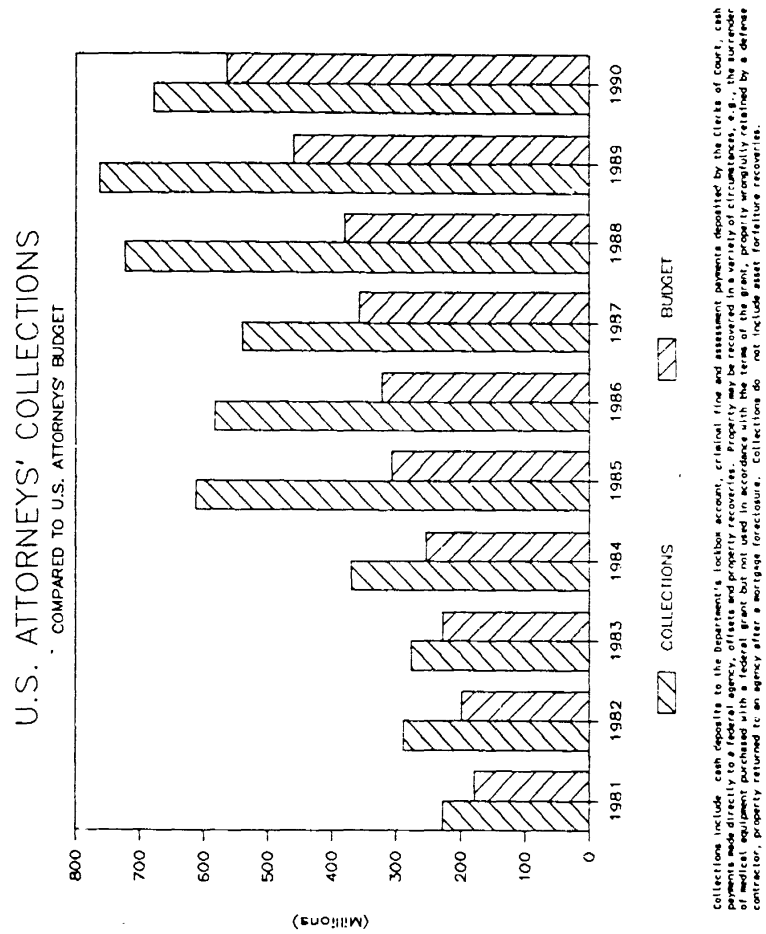
Mr. WHITTLE. This is one field, Congressman Rogers, that we can show that every penny spent is worthwhile. I would like to make a part of the record a comparison of the collection versus the budget for the United States Attorneys. And it can show, that for roughly every \$3 we spend for all U.S. Attorney's budgets, we recover \$4 for the Government. That does not include asset forfeiture.

In fiscal year 1990, for example, we collected \$679 million. Our budget for that year was \$564 million, the entire U.S. Attorney budget. There are certain areas that were not addressed. That is in the field of civil fraud, medicare fraud, program fraud where we can cover civil penalties.

Many times we cannot get enough evidence to convict someone beyond a reasonable doubt, but we can, by a preponderance, show they have committed a civil fraud. As you know, those cases are labor intensive. That is why we need additional resources.

Mr. ROGERS. If you would like to make this a part of the record, you may.

[The information follows:]



CIVIL LITIGATION RESOURCE NEEDS

Mr. ROGERS. Will emphasis on financial institution cases, savings and loans and the like, won't that create an even greater need to spend staff time in that area?

Mr. WHITTLE. You mean in debt collection?

Mr. ROGERS. In the financial cases.

Mr. WHITTLE. You are talking about the civil aspect?

Mr. ROGERS. The civil.

Mr. WHITTLE. Mr. Leonard will address that.

Mr. LEONARD. I am Tim Leonard, the U.S. Attorney for the Western District of Oklahoma.

That is one of the areas that has created, I think, problems in our district as well as throughout the country. We have had an increase in the number of criminal positions, a tremendous increase in the convictions in savings and loan bank frauds as well as other criminal areas, and yet no increase in the civil collections debt reduction area.

I think it is vitally important to follow-up in the attempts to collect the fines and restitutions and others as a result of the savings and loan bank fraud cases. That is why this request is in here. Certainly in all of those areas where they had the increase in the number of cases, we need to follow-up in the collection area.

FEDERAL DEBT COLLECTION PROCEDURES ACT

Mr. ROGERS. Does the Federal Debt Collection Procedures Act give you a lot of extra muscle?

Mr. WHITTLE. Over the nation as a whole, yes. It gives us remedies that we never had before in some States. In some States it is more beneficial than in others. In Kentucky, for example, we had a very good debt collection law before. But in States such as Florida and South Carolina and Iowa, it greatly enhances our ability to collect debts.

LAW REFORM—HABEAS CORPUS

Mr. ROGERS. Back to the President's crime control bill, we have put a lot of extra, an incredible amount of extra resources over the last decade in the Justice Department. Just U.S. Attorneys, there were about 1,800 assistants in 1981. Today there are 4,000. We have more than doubled the number of U.S. Assistants in that decade.

Despite all the resources, it seems there are still a few binds on law enforcement in the form of laws that need reformation such as the exclusionary rule, habeas corpus petitions and the like.

How much would your effectiveness stand to improve if Congress made those changes in just those two areas? Particularly you U.S. Attorneys I would like the comments from.

Mr. WHITTLE. In the field of white collar crime, I think it would have a tremendous effect. I am not sure I know the answer to violent crime as far as the terms goes. It is my experience that white collar criminals are perturbed by the penalty they have to pay if convicted.

Mr. ROGERS. The question is how much would your effectiveness increase with the, with these two changes overall?

Mr. LEONARD. On the exclusionary rule, on the habeas corpus?

Mr. ROGERS. Habeas corpus.

Mr. LEONARD. Personally, I think if we could put a lot of resources where they need to be rather than spending a lot of resources, energy and time in having cases dismissed because of a technicality, also in the habeas corpus a continual response to habeas corpus petitions, and so forth, where we never finish with a case.

I think we could see a lot of resources directed where they should be if those changes could be made in those two areas.

Mr. ROGERS. Mr. Chairman, I have got other questions, but I will defer.

Mr. EARLY. Ms. Pelosi.

LEGAL TRAINING COSTS AND NUMBER OF PARTICIPANTS

Ms. PELOSI. Thank you, Mr. Chairman.

I am interested in the legal training. You are asking for \$1,600,000 for training personnel for criminal, civil and OCDETF programs in 1992. How many people does this involve and what is the training cost per individual?

Mr. WHITTLE. I would like to say that, first of all, I have been at the Justice Department a little over five years and I think they have one of the best law schools in the country. Very good quality. I would defer to Mr. McWhorter to answer you specifically.

Mr. MCWHORTER. We train thousands of attorneys, Assistant U.S. Attorneys, Department attorneys and other agency attorneys throughout the year. This request for 1992 would allow us to add courses to catch up with the positions we are adding this year, particularly in the Organized Crime Drug Enforcement Task Force program and, for example, financial institution fraud. It is a continuing effort. We are getting better and better at it.

We also added this past year a Federal practice course for experienced State attorneys that were hired by the Federal system. We give an introduction to the Federal practice, grand jury procedures and other courts of the Federal law that is not necessarily a part of their State court experience. We will add to the basic criminal and civil trial course capacity as well.

I was handed a note that says the cost is about \$2,500 per new attorney.

Ms. PELOSI. With that \$1,600,000, how much is your legal training appropriations?

Mr. MCWHORTER. It is \$9,099,000 with the enhancement that we are asking for next year. So—

Ms. PELOSI. The enhancement is included in the \$9 million?

Mr. MCWHORTER. Yes. Right now we spend about \$7,500,000 for legal education.

Ms. PELOSI. You state that this is for some emphasis on organized crime. Does it include additional training as a result of the Clean Air Act?

Mr. MCWHORTER. I would expect so. We continually try to keep up with what is new in the law and what the new needs are. There was an environmental conference in New Orleans not long ago, both civil and criminal, that our office participated in. The Environment

Division did most of it with the EPA. It was the largest attorney conference ever, I think.

ENVIRONMENTAL CRIME COLLECTIONS

Ms. PELOSI. That is interesting. I see by the opening statement that you have collected \$56 million. Is that for one year in fines for environmental crimes or violations of some kind?

Mr. WHITTLE. I would say that is increasing substantially.

Ms. PELOSI. So the opportunity, if that is the word to use, is now even greater as we go forward with it?

Mr. WHITTLE. I would say the potential in the years to come is going to be much greater because of the public's awareness of environmental violations. I can say without reservation that substantially all U.S. Attorneys are devoting more resources to prosecute environmental crimes.

COMMITMENT TO ENVIRONMENTAL CRIME PROSECUTIONS

Ms. PELOSI. I am pleased to see the Department's commitment to prosecuting environmental cases and the U.S. Attorneys preparation to meet that challenge. It is a very important role for your office.

Mr. WHITTLE. Even my kids are proud of me now. They have been harassing me over the environment for the last 10 years. Now they say, dad, you are doing a good job.

Ms. PELOSI. That is wonderful. The children will lead us into the future. It is theirs, after all. We get a lot of wisdom from our children. I am glad to hear that.

Thank you very much. I have no further questions, Mr. Chairman.

Mr. EARLY. Mr. Rogers.

Mr. ROGERS. Nothing further, Mr. Chairman.

Mr. EARLY. I want to thank you very much for your testimony.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

United States Attorneys

Environmental Prosecutions

QUESTION: You request over \$2,000,000 for environmental prosecutions at the same time the Environment Division requests almost \$3,800,000 -- is this duplicative?

ANSWER: No. The resources complement each other. In the case of U.S. Attorneys offices, additional resources will be directed to those districts with the greatest potential to prosecute those who defile the environment. In these districts, the scope of work is so large that a constant presence is necessary. Other resources are vested in the Environment and Natural Resources Division (ENRD) so that they can be available to augment U.S. Attorney resources where necessary. Some districts have traditionally had few pollution cases; others many. Having mobile resources available at headquarters is an efficient way to send resources where they are most needed on an expedited basis. Many environmental criminal cases are long and complex, involving lengthy grand jury investigations with large quantities of documents. They can easily involve two or more attorneys each, and we have found it highly beneficial to combine personnel from ENRD and the U.S. Attorney's office to prosecute these cases.

QUESTION: Are both organizations working the same environmental cases?

ANSWER: Frequently, as mentioned in the previous answer, attorneys from both organizations work cases together. This relationship has been cemented in recent years, due in large part to the creation of the Attorney General's U.S Attorneys' Advisory Subcommittee on Environmental Crime. This joint approach to case development is necessitated in part by the scarce availability of resources in the districts, but also in recognition of the special expertise to be found in each organization. Whereas the ENRD contains a centralized pool of environmental expertise in this rapidly-developing area of law, the U.S. Attorneys are conversant with the local judges, legal procedures, and state laws of their districts. ENRD is able to bring a national perspective to cases based on experience observed in all districts, and their presence ensures consistent application of policy. On the other hand, U.S. Attorneys are in the most favorable position to fully understand the impact of litigation on all local parties. Over time, the relationship of mutual cooperation has served the public very well, and would be better yet if both organizations had more resources.

Violent Crime Initiative

QUESTION: You request almost \$13,000,000 for a new, and as yet unannounced, Violent Crime Initiative. Will this initiative require legislation?

ANSWER: The new Violent Crime Initiative, announced by the Attorney General at the March 4-5, 1991 Crime Summit, may require authorization to allow a portion of the funding to be used to reimburse State and local law enforcement agencies.

QUESTION: How did you know how much funds to request when the initiative has yet to be approved?

ANSWER: Planning has been underway for a number of months now. It is envisioned that the initiative as proposed, will provide a great deal of flexibility to enable the United States Attorneys, under the direction of the Deputy Attorney General, to respond to future violent crime problems.

The request consists of two components. From the overall total, \$9,000,000 of the request is reserved as a funding source for violent crime investigation and prosecution efforts in major cities. Once a locality is selected, funding will be provided based on the requirements of the local law enforcement agencies and the types of violent crimes unique to the area.

The second component of the initiative, 60 workyears and \$3,853,000 designated for the United States Attorneys, will provide the necessary Federal resources needed to coordinate the activities of the various task forces.

QUESTION: Will other Federal, State, or local agencies be involved, and have they been requested to handle their own costs?

ANSWER: All relevant agencies and levels of government will be participants in these task forces. For example, as a result of suggestions by Senators Arlen Specter and John Heinz, the United States Attorney for the Eastern District of Pennsylvania, which encompasses Philadelphia, initiated a multiple agency task force called the Violent Traffickers Project (VTP) to combat violent drug trafficking organizations. The task force acts under the coordination of the Drug Enforcement Administration in close liaison with the United States Attorney's Office. It consists of the Philadelphia Police Department and District Attorney's Office, the Pennsylvania State Police and Attorney General's Office, the Immigration and Naturalization Service, the Bureau of Alcohol, Tobacco and Firearms, and the Federal Bureau of Investigation with each component handling their own costs.

After 2 years of operation, VTP investigations have resulted in 42 indictments and 386 individuals arrested. The conviction rate was 100 percent. VTP activities resulted in over \$2,000,000 in

forfeitures, and a substantial portion of the proceeds will be shared with the State and local agencies taking part in the individual investigations.

Other Federal agencies will be required to absorb their own costs. Funding (\$9,000,000) will be available for reimbursement to State and local agencies to cover specific expenses.

Other Increases

QUESTION: You request 21-percent real growth for Legal Education, but this bears no relationship to the projected increase in the number of attorneys and paralegals trained. Please explain the need for such a large increase in funds when the number of attorneys trained in classes goes up by only 4 percent, and the number of paralegals by only 10 percent.

Answer: There is a 6 percent increase in United States Attorney personnel trained through course work in 1992. The program increase supports new attorney training courses that are more costly than on-going courses offered to the existing attorney workforce. All courses for new attorneys involve travel, per diem, and faculty costs, and are longer than specialized courses.

The training costs for one attorney to attend a basic two-week criminal or civil course averages between \$2,500 to \$3,000. The same average applies to paralegals attending basic two-week legal research and writing courses. The expenses not only include airfare costs and increased per diem for the Washington, D.C. area, but also contractor costs, printing and videotaping equipment.

QUESTION: Do you request no funds for the Private Debt Collection activity in 1992 since authorization runs out in 1991? Do the U.S. Attorneys view this program as a success, and do you believe it should be continued?

ANSWER: Public Law 101-302 extended the private counsel pilot project through September 1992. There are no funds sought for it in the U.S. Attorneys' budget request because the project is run by the Office of Debt Collection Management in the Justice Management Division, which is included within the General Administration appropriation.

This year we are beginning to evaluate the results of the private counsel pilot project and believe that it is too early to determine objectively whether or not it is a success. However, we are encouraged by the results so far. Several of the concepts that have been tested in the pilot project, such as the Central Intake Facility and the highly automated COLLECTOR system, are valid improvements to the Department's debt collection techniques. Some of these techniques are already being applied to all U.S. Attorneys' Offices, even those that are not in the pilot Federal

judicial districts.

We certainly do believe that the pilot project should continue through September 1992. Sometime prior to that date, we expect to have data which should support an informed and objective evaluation of the potential permanent value of private counsel to the Department's debt collection program.

QUESTION: Are the 110 additional positions requested for the Financial Litigation Units essentially there to replace the pilot debt collection activity.

Answer: No. While there has been tremendous growth in the number of prosecutors (criminal) and investigators Departmentwide, there has not been a commensurate growth in the number of prosecutors and support staff that sue to collect monies owed the Government. Aside from the increase workload that will be generated by the full complement of new Assistants authorized in 1990 and the new prosecutors requested in 1992, the existing caseload already exceeds what is generally considered to be acceptable. The caseload growth can also be attributed to: the increase in criminal fines and assessments under the new sentencing guidelines; emphasis by the Administration on collections of dollars owed to the Government; and the mandates of Congress for the U.S. Attorneys to pursue conviction of those involved in more complex criminal activities, such as financial institution fraud and violent crime.

Further, the newly-enacted Federal Debt Collection Procedures Act contains provisions on prejudgment remedies and fraudulent transfers which are directed to the recovery of assets that Federal debtors have hidden or shifted. Therefore, in order to eliminate the existing backlogs, accommodate anticipated caseload growth, increase collections, as well as take full advantage of the provisions in the Federal Debt Collection Procedures Act, it is essential that the requested 110 positions (40 AUSAs) and resources be provided in 1992.

TUESDAY, MARCH 12, 1991.

ORGANIZED CRIME DRUG ENFORCEMENT

WITNESSES

**GEORGE J. TERWILLIGER III, ASSOCIATE DEPUTY ATTORNEY GENERAL
FREDERICK W. KRAMER, DIRECTOR, ORGANIZED CRIME DRUG ENFORCE-
MENT TASK FORCE EXECUTIVE OFFICE**

**HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-
TRATION**

**MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-
LER**

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

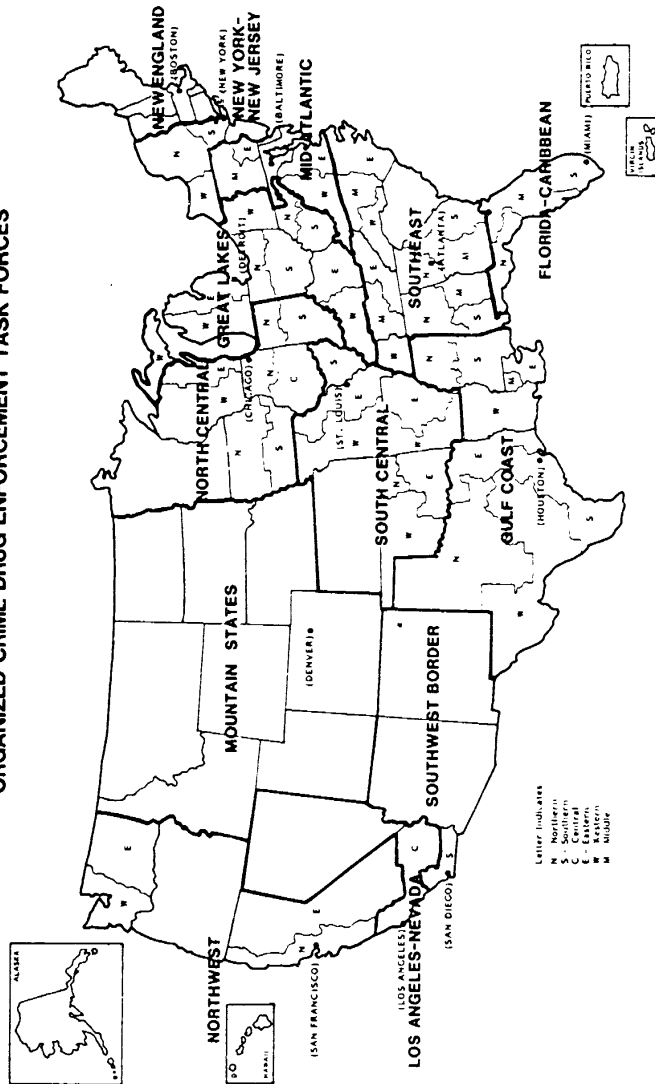
Mr. EARLY. We will now hear testimony concerning the Organized Crime Drug Enforcement appropriation. The Department recommends \$401,974,000 for this account for fiscal year 1992. These funds will then be used almost totally to reimburse Federal agencies for OCDE support. We will insert in the record at this point the OCDE fiscal year 1992 budget request.

[The information follows:]

Department of Justice
Interagency Law Enforcement
Organized Crime Drug Enforcement
Estimates for Fiscal Year 1992
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ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES



Interagency Law Enforcement

Organized Crime Drug Enforcement

Summary Statement

Fiscal Year 1992

The Organized Crime Drug Enforcement (OCDE) Task Force Program is requesting, for 1992 a total of 4,616 reimbursable positions, 4,265 reimbursable workyears, and \$401,974,000. This includes 2,569 agents and 616 attorneys. This request represents an increase of 585 reimbursable positions (331 agents), 203 reimbursable workyears (167 agents) and \$53,600,000 over the 1991 base.

The requested increase in OCDETF funds for the next fiscal year will provide more investigators for the investigation of major internationally-based drug trafficking organizations such as the Colombian/South American, Mexican, and Asian groups; increased focus on investigations involving significant regional drug trafficking groups; more investigators for undercover operations; more agents to track aliens involved in drug trafficking; additional personnel to work on the money laundering and financial crimes that go hand in hand with drug activities; additional funding to attack the growing violent gangs, the overall increase in narcotics-related violence, and to perform increased narcotics-related firearms investigations; more attorneys to prosecute those caught by task force activity; and more resources to support State and local participation.

In the years since its creation, OCDETF has established itself as a model to be replicated in the federal drug enforcement effort. The initial National Drug Control Strategy, submitted to Congress on September 5, 1989, by President Bush, recognized the success of the OCDETF model. It reported that,

"...OCDETF is able to direct thorough, imaginative, and wide-ranging assaults on the movements and activities of drug dealers. Through its 13 regional task forces, the OCDETF Program also provides one of the crucial links between Federal and State authorities, enhancing the exchange of information and enforcement strategies. These programs should serve as a model of interagency coordination and be a priority for future expansion in Federal drug enforcement."

The Office of National Drug Control Policy's comprehensive strategy addresses suppression, interdiction, investigation, education, demand reduction, and user accountability. Within the investigations strategy, the OCDE Task Force Program has been called the flagship of the Federal Government's war on drugs. The goal of the OCDE Task Force Program is to identify, investigate, and prosecute members of high-level drug trafficking enterprises and to destroy the operations of those organizations. The importance of this program was again confirmed by the National Drug Control Strategy transmitted to Congress on January 25, 1990.

In 1983 and 1984, the OCDETF Program operated as a single appropriation reimbursing participating agencies for their participation in the program. Beginning in 1985, the resources were appropriated directly to the participating agencies. Pursuant to Section 1055 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690), a single appropriation request for the OCDE Task Force Program was again established in 1990. The agencies participating in the OCDE Task Force Program are now reimbursed for their involvement in the initiative from the single OCDE appropriation.

BACKGROUND

The OCDE Task Force Program consists of a nationwide structure of 13 regional Task Forces which utilize the combined resources and expertise of its eleven member Federal agencies in cooperation with State and local investigators and prosecutors to target and destroy major narcotic trafficking and money laundering organizations. A multi-faceted attack on highly sophisticated drug cartels requires unique capabilities combined into a comprehensive and orchestrated investigation and prosecution. Thus, for example, by uniting the physical and electronic surveillance abilities of the Federal Bureau of Investigation (FBI), the drug intelligence data base and drug investigative skills of the Drug Enforcement Administration (DEA), the tax and financial knowledge of the Internal Revenue Service (IRS), the Bureau of Alcohol, Tobacco, and Firearms (BATF) skills in weapons investigations, the resources of

the U.S. Customs Service for tracking international movements of people and funds, the intelligence gained from the U.S. Coast Guard maritime activities, the Immigration and Naturalization Service's (INS) expertise in tracking and deporting illegal aliens, and the U.S. Marshals Service's (USMS) authorities, the full force of the drug enforcement community are brought to an investigation. The ODETF Task Force Program further broadens this base with the local intelligence resources of State and local law enforcement agencies and adds to the impact by utilizing attorneys' skills at the earliest stages of investigations. Contributing resources to the prosecution of ODETF Task Force Program cases are the U.S. Attorneys, Criminal Division and the Tax Division.

The goal of the ODETF Program is to identify, investigate and prosecute members of high-level drug trafficking enterprises and to destroy the operations of those organizations. Four objectives continue to guide the selection and conduct of investigations:

- To target, investigate and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking enterprises; including large-scale money laundering organizations;
- To promote a coordinated drug enforcement effort in each Task Force region and encourage maximum cooperation among all drug enforcement agencies;
- To work fully and effectively with State and local drug law enforcement agencies; and
- To make full use of financial investigative techniques, including tax law enforcement and forfeiture actions.

ACCOMPLISHMENTS

The ODETF Program strategy has been able to immobilize drug trafficking and money laundering organizations by prosecuting and incarcerating organization members or, where appropriate, extraditing or deporting them; and by divesting them of their power through forfeiture of organization and individual assets. The ODETF Program has attacked organized drug trafficking from the top, instituting in-depth investigations leading to the prosecution and conviction of the highest level drug traffickers. The Program's eleven member agencies, acting in concert with numerous State and local agencies, have disabled many major drug trafficking organizations by removing the key individuals who provided these organizations with leadership, capital, and expertise.

The ODETF Program's synchronization of multiple investigations against common target organizations; its effective use of attorneys at the early stages of investigations; its use of financial investigations to reach otherwise invulnerable targets; and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions have demonstrated the efficacy of ODETF's operational model. After seven years, it has become apparent that the most promising strategy for combating major illicit drug traffickers is that of the ODETF Program. From its inception late in 1982 through the end of FY 1989, the Task Forces:

- Initiated 2,866 investigations, resulting in 7,045 indictments;
- charged 11,899 top and mid-level leaders and major suppliers;
- charged 1,071 persons with CCE violations and 1,195 individuals with RICO violations; and
- seized cash and property assets totaling \$1.5 billion.

During this period, 14,271 individuals were found, or pled, guilty to at least one charge. 11,635 of those were handed prison sentences, with many imprisoned for life.

THE 1992 PROGRAM

The 1992 request for the ODE Task Force Program consists of three budget activities incorporating the resources of the eleven member agencies. The budget activities are Drug Law Enforcement, Prosecutions, and Administrative Support. The major initiatives and resource requests for 1992 for these activities are summarized below.

DRUG LAW ENFORCEMENT

This activity provides resources for the investigations conducted by the thirteen regional ODE Task Forces. The total resources requested in 1992 for this budget activity are 3,472 reimbursable positions (2,569 agents), 3,219 reimbursable workyears and \$316,276,000. This represents 78.7 percent of the total funding request for the ODE Task Force Program in 1992.

The focus of Task Force investigations is on the organized criminal enterprise leadership involved in drug trafficking and the breakup of the infrastructure of organized criminal enterprises. This includes the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking. This activity provides resources to reimburse law enforcement agencies in the Department of Justice, Department of the Treasury and the Department of Transportation for investigative activities related to the ODE Task Forces.

Program increases of 433 reimbursable positions (331 agents), 217 reimbursable workyears (167 agents) and \$45,264,000 are requested. A summary of increases requested follows:

- o The request for DEA seeks a program increase of 11% reimbursable positions (90 agents, 24 support), 57 reimbursable workyears, and \$12,900,000. This includes an increase of \$600,000 for the State and Local Overtime Program.
 - The major impetus of this request reflects an internal policy change regarding DEA's current strategy for nominating cases to the ODETF Program. Effective April 2, 1990, DEA policy now requires that all top-level cases be nominated to the ODETF Program in the early stages of an investigation in order to take full advantage of the knowledge, experience, resources, investigative jurisdictions, and prosecutorial support of all agencies participating in the ODETF Program. DEA anticipates a significant increase in ODETF cases in 1992 as a result of this change. Also because of the growth in Special Agent manpower DEA-wide, it is anticipated that DEA will generate considerably more ODETF investigations than in the past.
- o The request for the FBI includes 165 reimbursable positions (111 agents, 54 support), 83 reimbursable workyears, and \$19,070,000. Included within this request is nonpersonnel funding which includes: confidential case funding (\$1,509,000); Asset forfeiture investigation funding (\$82,500,000); and regional conference and coordinator travel funding (\$328,000).
 - Additional investigative resources are required in order for the FBI to dedicate more resources to the investigation of internationally-based and multi-jurisdictional drug trafficking organizations and their money laundering support mechanisms within the ODETF framework, a framework that facilitates multi-agency cooperation. These requested resources would also assist in providing additional intelligence through the use of electronic surveillance coverage, racketeering Enterprise investigations, and undercover operations. These sophisticated, labor and resource-intensive investigative techniques provide the most effective means for identifying and penetrating major drug trafficking organizations at a high level as well as their extended conspiratorial networks.
 - These resources would also insure the FBI's investigative presence in middle America and in other non-level I and II distribution centers where major drug trafficking problems are growing.
- o A program increase of 11 reimbursable agent positions, 6 reimbursable workyears and \$915,000 is requested for the Immigration and Naturalization Service.

- This enhancement will address the burgeoning problem of criminal alien involvement in illegal drug activities by providing investigative assistance to all ODEIF agencies in the identification, location, investigation and parole of aliens involved in narcotics enterprises.
- o A program increase of 30 reimbursable positions (24 agents, 6 support), 15 reimbursable workyears and \$2,495,000 is requested for the U.S. Customs Service. Included within this request is \$1,300,000 for undercover operations and equipment requirements.
- The 1,000 plus Customs Agents working Title 21 drug smuggling investigations and drug related money laundering investigations under cross-designation provided by the January 1990 Customs/DEA agreement are expected to generate increased workload of ODEIF quality. The requested new ODEIF reimbursable positions will help Customs meet the anticipated increased workload.
- o A program increase of 11 reimbursable positions, (10 agents, 1 support), 5 reimbursable workyears and \$1,099,000 is requested for the Bureau of Alcohol, Tobacco and Firearms. Included within this request is \$200,000 for the purchase of evidence.
- The increasing mobility of the violent gangs, the overall increase in narcotics-related violence, and the increase in narcotics-related firearms investigations require increased resources for BAIF. Additionally, street gangs have become a major criminal force in not only inner-city neighborhoods, but are now moving into suburban areas and non-major distribution cities.
- These additional positions will also be utilized to assist in the identification of weapons bought, sold, and used by narcotics dealers; increase liaison with ODEIF counterparts in other Federal, State, and local agencies; and to collect, evaluate, and share criminal information pertinent to the enforcement priorities regarding street gangs.
- o A program increase of 102 reimbursable positions (85 agents, 17 support), 51 reimbursable workyears and \$8,787,000 is requested for the Internal Revenue Service.
- This resource enhancement will allow the Internal Revenue Service to expand its enforcement of the Bank Secrecy Act; enhanced enforcement will be realized through increased financial targeting, expanded undercover operations, a 5 increased verification of compliance, particularly for non-bank financial institutions, such as currency exchanges and transmitters of funds. Expanded enforcement of transactional money laundering statutes will result in additional investigative accomplishments, including increased seizures, additional forfeitures and more convictions.

PROSECUTIONS

- The prosecution activity request for the ODEIF Task Force Program in 1992 totals 1,129 reimbursable positions (613 attorneys), 1,033 reimbursable workyears and \$8,387,000. This represents 21.0 percent of the total ODEIF Task Force Program funding request for 1992. This funding is utilized for the U.S. Attorneys, the Criminal Division and the Tax Division for their investigative support and prosecutorial efforts toward ODEIF task force cases. Litigation efforts are targeted selectively on the criminal leadership involved in drug trafficking and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises.
- o A increase of 153 reimbursable positions (76 attorneys), 76 reimbursable workyears (38 attorneys) and \$8,336,000 is requested for the prosecution activity.
 - o The request will enable the U.S. Attorneys to respond to the escalating ODEIF workload caused by the initiation of increasing complex long term investigations, the expanding use of attorney labor intensive investigative tools such as Title III electronic surveillances, and rapidly increasing appeals caused by the penalties in the Anti Drug Abuse Act of 1988 and the Sentencing Guidelines. The requested funding will also provide for maintenance of a ratio of one attorney for every four agents.

Administrative Support

The administrative support activity request for the OCDE Task Force Program in 1992 totals 13 positions, 13 workyears, and \$1,311,000. This represents just .3 percent of the total funding request for the OCDE Task Force Program in 1992.

This activity provides policy guidance, central coordination, and administrative support to the headquarters of the eleven member agencies and the thirteen regional task forces. The Executive Office for OCDEF has day to day responsibility for providing administrative support to the Task Forces and is responsible for financial management, records management, and maintenance of the Case Management System. This staff serves as the first-echelon point of contact for the Task Forces when Washington intervention or assistance is required.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Justification of Proposed Changes in Appropriation Language

The 1992 Budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Organized Crime Drug Enforcement

For necessary expense for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, (\$328,000,000) of which \$50,000,000 shall remain available until expended; Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in Section 606 of this Act.

\$491,975,000

(Department of Justice Appropriations Act, 1991: additional authorizing legislation to be proposed.)

Explanation of changes

No substantive changes proposed.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Requirements
(Dollars in thousands)

Adjustments to base:	Perma.	Work-	
	Pos./	Years/	Amount
Department of Justice Appropriations Act, 1991.....	3,962	3,520	\$38,000
Treasury, Postal Service and General Appropriations Act, 1991.....	66	90	6,941
1991 as enacted.....	4,028	3,610	334,941
Mandatory increases.....	...	362	37,575
Decreases (automatic, non-policy).....	...	...	(24,152)
1992 base.....	4,028	3,972	348,374

1991 Appropriation												
Enacted				1992 Base				1992 Estimate				
Perm.	Pos.	WT	Amount	Perm.	Pos.	WT	Amount	Perm.	Pos.	WT	Amount	
											Increase/Decrease	
Estimates by Budget activity:												
1. Drug Law Enforcement.....												
3,039		2,790	\$265,167	3,039	3,002	\$271,012	3,472	3,219	\$316,276	433	217	\$45,264
2. Prosecutions.....												
976		808	64,551	976	957	76,051	1,129	1,033	84,387	153	76	8,336
3. Administrative Support...												
13		12	1,223	13	13	1,311	13	13	1,311			
Total.....												
4,028		3,610	334,941	4,028	3,972	348,374	4,614	4,265	401,974	586	293	\$3,600

EOY Employment:	Approp.	Reimb.	Total	Approp.	Reimb.	Total	Approp.	Reimb.	Total
Full-time permanent.....	4,028	0	4,028	4,028	-0	4,028	4,614	0	4,614
							586	0	586

1/ The positions and workyears reflected throughout the exhibits of the DCOE appropriation budget are reimbursable for the participating agencies.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Resources by Program
(Dollars in thousands)

Resources by Program	1979 as Budgeted			1979 Actual			1979 Appropriation Budgeted			1979 Base			1979 Estimate			Increase/Decrease		
	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.
1. Drug Law Enforcement:																		
a. Drug Enforcement Administration.....	437	797	444,387	437	797	444,344	440	790	443,344	440	790	443,344	440	790	443,344	114	17	412,000
b. Federal Bureau of Investigation.....	637	637	51,495	637	637	51,495	635	635	51,495	635	635	51,495	635	635	51,495	105	12	51,495
c. Immigration and Naturalization Service.....	31	45	5,445	31	45	5,445	31	45	5,445	31	45	5,445	31	45	5,445	11	6	5,445
d. U.S. Customs Service.....	13	17	1,414	13	17	1,414	13	17	1,414	13	17	1,414	13	17	1,414	13	17	1,414
e. U.S. Coast Guard.....	216	216	14,461	216	216	14,461	216	216	14,461	216	216	14,461	216	216	14,461	216	216	14,461
f. Bureau of Prisons.....	23	23	4,712	23	23	4,712	23	23	4,712	23	23	4,712	23	23	4,712	14	4	4,712
g. Federal Reserve Bank.....	17	17	16,424	17	17	16,424	17	17	16,424	17	17	16,424	17	17	16,424	17	17	16,424
h. U.S. Coast Guard.....	13	13	1,000	13	13	1,000	13	13	1,000	13	13	1,000	13	13	1,000	13	13	1,000
Subtotal.....	2,323	2,301	167,493	2,323	2,301	167,493	2,300	2,285	167,493	2,300	2,285	167,493	2,300	2,285	167,493	103	17	412,000
2. Prosecution:																		
a. U.S. Attorney.....	63	63	45,455	63	63	45,455	63	63	45,455	63	63	45,455	63	63	45,455	113	16	45,455
b. Criminal Division.....	4	4	662	4	4	662	4	4	662	4	4	662	4	4	662	4	4	662
c. Tax Division.....	10	10	1,100	10	10	1,100	10	10	1,100	10	10	1,100	10	10	1,100	10	10	1,100
Subtotal.....	77	77	47,217	77	77	47,217	77	77	47,217	77	77	47,217	77	77	47,217	130	30	47,217
3. Administrative Support:																		
a. Executive Office.....	10	10	824	10	10	824	10	10	824	10	10	824	10	10	824	10	10	824
Subtotal.....	10	10	824	10	10	824	10	10	824	10	10	824	10	10	824	10	10	824
Total.....	2,400	2,378	175,534	2,400	2,378	175,534	2,387	2,362	175,534	2,387	2,362	175,534	2,387	2,362	175,534	243	47	931,231
Other Resources																		
Relief.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overhead.....	316	316	412	316	316	412	316	316	412	316	316	412	316	316	412	316	316	412
Other.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total available resources.....	3,032	3,010	221,768	3,032	3,010	221,768	3,019	3,004	221,768	3,019	3,004	221,768	3,019	3,004	221,768	316	57	953,493

**Interagency Law Enforcement
Organized Crime Drug Enforcement
Justification of Program and Performance
Activity Resource Summary**
(Dollars in thousands)

Activity: Drug Law Enforcement	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount
Drug Enforcement Administration.....	969	900	893,305	989	976	\$94,304	1,103	1,033
Federal Bureau of Investigation.....	936	886	89,941	936	936	88,150	1,101	1,019
Immigration and Naturalization Service..	125	110	10,251	125	125	10,550	136	131
U.S. Marshals Service.....	13	13	1,082	13	13	1,122	13	13
U.S. Customs Service.....	356	321	25,750	356	356	28,286	366	371
Bureau of Alcohol, Tobacco and Firearms..	137	130	9,981	137	130	10,344	148	135
Internal Revenue Service.....	473	420	33,993	473	436	37,366	573	507
U.S. Coast Guard.....	18	18	865	18	19	873	13	13
Subtotal.....	3,039	2,790	265,187	3,039	3,062	277,072	3,472	3,219

This budget activity includes resources to reimburse law enforcement agencies in the Department of Justice, Department of the Treasury and the Department of Transportation for investigative activities related to the thirteen OCDE Task Forces. The focus of Task Force investigations is on the organized criminal enterprise leadership involved in drug trafficking and the breakup of the infrastructure of organized criminal enterprises. This includes the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking.

Long-Range Goal: To identify and investigate high-level organized criminal enterprises engaged in drug trafficking and to dismantle those organizations.

Major Objectives:

- To target and investigate individuals who organize, direct and finance high-level illegal narcotics trafficking enterprises.
- To make full use of financial investigative techniques and forfeiture actions, thereby enabling the Federal Government to seize assets and profits derived from narcotics trafficking.
- To promote a coordinated drug enforcement effort in each of the thirteen Task Force regions.
- To encourage maximum cooperation among all Federal drug enforcement agencies.
- To work fully and effectively with State and local law enforcement agencies investigating illegal narcotics trafficking.

Base Program Description:

1. Headquarters and Field Organization.

The Executive Review Board (ERB) is chaired by the Deputy Attorney General and is composed of senior officials from agencies of the Treasury, Transportation, and Justice Departments. The ERB provides oversight nationally by articulating policy, reviewing the allocation of resources, and recommending resolution of outstanding issues that cannot be settled in the field. The Washington Agency Representatives Group (WAR Group),

comprised of high-level managers from each member agency, provides problem resolution research for the Board. A small Executive Office is based at the Justice Department headquarters in Washington. The Executive Office serves as the first-echelon point of contact for the Task Forces when Washington intervention or assistance is required. This staff is also responsible for financial management, records management, maintenance of the Management Information System (MIS) and supports field operations in the thirteen ODETF regions.

The organization of each region has two principal structural components: the Task Force Advisory Committee and the Task Force Coordination Group. The Advisory Committee oversees the Task Force, while the Coordination Group shares intelligence among the agencies, decides which cases are selected, coordinates the allocation of assets among cases, and facilitates cooperation among the agencies and between regions.

Each regional Advisory Committee is comprised of all of the region's U.S. Attorneys, the Assistant U.S. Attorney (AUSA) Task Force Coordinator and the coordinators for each participating agency, and the senior regional representatives of those agencies. As the senior official responsible for each Task Force's performance, the Core City U.S. Attorney chairs the committee and supervises the AUSA Coordinator.

The Task Force Coordination Group plays a central role in coordinating the ODETF Program within its region. Consisting of the AUSA Task Force Coordinator and coordinators from participating federal agencies, the Coordination Group evaluates cases proposed for Task Force designation and approves investigations for initiation as ODETF matters. The group also reviews the use of Task Force resources and resolves disputes between member agencies.

In the non-core cities, District Drug Enforcement Coordination Groups review investigation selection, resource allocation, and the progress of Task Force efforts. Each non-core city U.S. Attorney selects an AUSA to serve as lead Task Force Attorney for the district. This lead Task Force Attorney coordinates case selection with representatives of the participating agencies, is responsible for district reporting tasks, and serves as liaison with the Core City Task Force office.

2. State and Local Participation.

From the Program's inception, State and local law enforcement elements have worked closely with the Task Forces. The ODETF Guidelines promote joint involvement of State and local authorities in the investigation, apprehension, and prosecution of major drug traffickers and their organization.

Several elements of the ODETF Program facilitate State and local participation. Funds are available to reimburse the States and localities for overtime and expenses incurred by their personnel while participating in Task Force cases. There have been more than 3,000 reimbursement agreements between Task Forces and State, county, or local agencies. These local agencies continue to pay the salaries of their investigators who are working on Task Force cases but are assisted in meeting the costs of overtime, travel, and per diem expenses resulting from their participation.

State and local participation is further facilitated, when appropriate to an investigation, by the deputization of State or local law enforcement officers as Federal Agents.

Finally, the ODETF Program facilitates equitable sharing of assets forfeited by drug traffickers. Sharing of assets provides a bonus to participating State and local agencies in the form of vehicles and cash.

3. Member Agencies.

According to the ODETF Guidelines, one of the Program's main objectives is "...to promote a coordinated drug enforcement effort in each Task Force region, and to encourage maximum cooperation among all drug enforcement agencies...." Throughout its seven years of operation, the ODETF Program has pursued this objective.

Many of the Task Force investigations are so complex and labor intensive that they could not have been conducted without cooperation among the ODETF Program agencies. Most, if not all, of these investigations require a mix of skills, experience, and jurisdiction possessed by no single

agency. Each of the Federal Task Force members brings its own special skills and methods to the Program. Members come from three Cabinet-level departments: Justice, Transportation, and Treasury.

a) The Department of Justice.

Participating Justice agencies include the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the Immigration and Naturalization Service (INS), the U.S. Attorney's offices, and the U.S. Marshals Service. Support for the Program is also provided by the Department's Tax and Criminal Divisions.

The effective use of the expertise of these components is an indispensable tool in the ODETF Program. Thus, DEA's narcotics investigative experience, knowledge of drug distribution organizations, and close working relations with state and local authorities make this agency essential to every Task Force. The same holds true for the FBI which brings to the Program the ability to gather and analyze intelligence data and to deploy and manage sophisticated electronic surveillance and undercover operations.

The Immigration and Naturalization Service (INS) has statutory responsibility for the admission, control, and removal of aliens. Pursuant to this authority, INS identifies and screens high-risk persons entering the United States to curtail alien involvement in illicit narcotics enterprises.

The U.S. Marshals Service is charged with safeguarding the integrity of the judicial process by preventing jury tampering and disruption in the courtroom. The Marshals Service also manages seized assets and those assets forfeited by drug traffickers, and has a major responsibility in bringing ODETF fugitives to justice.

b) The Department of Transportation.

The Transportation Department participates in the ODETF Program through the U.S. Coast Guard. The Coast Guard has assumed a variety of functions that meld with the work of the other Task Force agencies. Coast Guard coordinators participate in case selection, analysis, and review; serve as liaison with the military services; and provide valuable intelligence and guidance on cases with maritime connections.

c) The Department of the Treasury.

Participating Treasury agencies include the Bureau of Alcohol, Tobacco and Firearms (BATF); the Internal Revenue Service (IRS); and the U.S. Customs Service (USCS).

BATF's special role in enforcing federal firearms, explosives, and arson laws gives the Program access to special expertise in dealing with drug traffickers who are well armed and increasingly prone to violence. BATF's jurisdiction and capabilities make it a well-suited partner to other agencies participating in the war against illegal drugs.

The IRS actively participates in ODETF Task Force cases through its investigation of tax-related violations of the Internal Revenue Code. The IRS's Criminal Investigation Division also investigates money-laundering operations, enforces major provisions of the Bank Secrecy Act, and assists in asset seizure and forfeiture actions. Additionally, the IRS's Tax Administration Division may initiate jeopardy and termination tax assessments in cases where the collection of a tax from a drug offender may be in jeopardy.

Along with the IRS, the U.S. Customs Service has been especially effective in conducting financial investigations. Through the analysis of computer data collected under the Bank Secrecy Act, Customs identifies drug traffickers and money-launderers for ODETF Task Force investigations. Customs' capacity to track the international movement of cash, persons, and commodities complements the drug trafficking investigations of other Task Force agencies. The Customs Service is also a major interdictive agency. Its mission includes the interdiction of drug shipments through all ports of entry into the United States.

Accomplishments and Workload: The ODETF Program's synchronization of multiple investigations against common target organizations; its effective use of attorneys at the early stages of investigations; its use of financial investigations to reach otherwise invulnerable targets; and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions has demonstrated the efficacy of ODETF's operational model.

In the years since its creation, ODETF has established itself as the "flag ship" of the federal drug enforcement effort. The National Drug Control Strategy, reports that:

"...ODETF is able to direct thorough, imaginative, and wide-ranging assaults on the movements and activities of drug dealers. Through its thirteen regional task forces, the ODETF Program also provides one of the crucial links between federal and state authorities, enhancing the exchange of information and enforcement strategies. These Programs should serve as a model of interagency coordination and be a priority for future expansion in federal drug enforcement."

After seven years, it has become apparent that the most promising strategy for combating major illicit drug traffickers is the ODETF type of investigation and prosecution. The ODETF Program strategy is to immobilize drug trafficking and money laundering organizations by incarcerating organization members; causing forfeiture of organization and individual assets; and, where appropriate, extraditing, deporting, and excluding organization members. To achieve these ends, the Task Forces have directed their resources at those significant national and international targets against which successful prosecution has the greatest impact. From its inception late in 1982 through the end of FY 1989, the Task Forces:

- Initiated 2,886 investigations, resulting in 7,045 indictments and criminal informations;
- charged 11,899 top and mid-level leaders and major suppliers;
- charged 1,071 persons with CCE violations and 1,195 individuals with RICO violations; and
- seized cash and property assets totaling over \$1.5 million.

During this period, 14,271 individual defendants were found, or pled, guilty to at least one charge. 11,635 of these were handed prison sentences, with many imprisoned for life.

Clearly demonstrating the success of the Program's strategy of devoting this time and resources needed for in-depth investigations is the fact that approximately 71% of those charged during the Program's first seven years have been major figures. These figures range from top and mid-level leaders through the suppliers, enforcers, and money launders.

ODE Task Force results have reflected the success of the ODETF's targeting strategy: reaching above the retail and "middleman" levels of the drug trade. Most of the charges brought in ODETF indictments have been against leaders, lenders, launderers, and major suppliers of multi-district, national, and international criminal organizations.

In 1989 approximately 80 percent of criminal organizations targeted were spread beyond a single judicial district. About one-third of the targeted organizations had links to international interests and assets.

Illustrative of ODETF's success is that 84.1% of all sentenced defendants serve time. The 1,730 top leaders confined drew an average prison sentence of 14.0 years. 1,939 mid-level leaders both drew average sentences of 7.0 years and 2,599 major suppliers received average sentences of 6.8 years.

Consolidated Workload of the OCDE Task Force Program follows:

Item	Estimates		
	1991	1992	1993
Investigations	500	634	838
Indictments	1,629	1,526	2,392
Individuals Indicted	5,484	5,010	7,964
Convictions	2,498	2,206	3,584
Seizures (in millions of dollars)	\$546	\$432	\$742
Forfeitures (in millions of dollars)	\$49	\$237	\$226

Data for the Executive Office for United States Attorneys projections are based on a "real-time" reporting system from the 94 United States Attorneys Offices. This data is reported monthly and reflects actual activity at the time of the report regardless of whether OCDETF Management Information System (MIS) reports have been submitted to the Washington, D.C. Executive Office. The official OCDETF Annual Report statistics are based on data from the Task Forces in the form of official OCDETF Management Information System reports. These reports are based on formal documentation i.e., indictments and court sentences and as a result are submitted at a later time than are the monthly data. Variances in the above data from those reported in the OCDETF Annual Report are attributable to these differing sources.

Selected OCDETF case examples are available in the 1983-1989 Annual Reports.

Program Changes:

Activity: Drug Law Enforcement	1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	WT	Amount
Drug Enforcement Administration	989	976	\$94,304	1,103	1,033	\$107,204	114	\$12,900

An additional 116 positions (90 Special Agents and 26 support), 57 workyears (45 Special Agents and 12 support) and \$12,900,000 is requested for DEA. Of this amount, \$600,000 is also provided for the State and Local Overtime Program.

DEA has been a major participant in the OCDE Task Force Program since its inception in 1982. DEA has participated in over 85% of the OCDETF investigations. DEA plans to provide an even greater contribution to the OCDETF Program in the future because of an internal policy change regarding DEA's current strategy for nominating cases to the OCDETF Program. In the past, DEA was reluctant to nominate cases to the OCDETF Program until the investigations were well underway. On average, DEA would spend approximately four to five months on an investigation before consideration was given to nominating it as an OCDETF case.

DEA policy now requires that Class I and II investigations of major violators be nominated to the OCDETF Program in the early stages of an investigation in order to take full advantage of the knowledge, experience, resources and prosecutorial support of all agencies participating in the OCDETF Program. This means that as soon as information or direct evidence exists that an investigation is of Class I or II caliber, and it meets the OCDETF criteria, it will be nominated to the OCDETF Program. This policy was communicated to all DEA field offices in a memorandum from the Administrator on April 2, 1990.

The second reason DEA will become involved in more OCDETF investigations is because of the DEA Special Enforcement Operations Programs (SEO/P) which run parallel to the OCDETF Program. The principal difference between an OCDETF investigation and an SEO/P is that an OCDETF investigation is one investigation against one major trafficking organization. An SEO/P is an umbrella for hundreds of investigations, large and small, national and international in scope and against various components of major trafficking organizations and individuals.

SEO/Ps focus DEA general investigative, intelligence, and support resources on significant trafficking organizations with national or international implications and typically will cross jurisdictional lines and target portions of entire drug trafficking organizations, such as the Medellín Cartel, or an entire drug problem like domestic cannabis cultivation.

The multi-national, multi-agency, or multi-divisional aspects of these wide ranging investigations necessitate high level Headquarters coordination and liaison with all operational participants. When DEA management perceives that one aspect of an SEO/P has reached the point at which intense, multi-agency long-term investigation of the nature of ODETF investigations is required, that aspect or targeted organization in the SEO/P will be nominated as an ODETF investigation.

DEA management constantly evaluates each investigation within an SEO/P to determine if and when it provides a direct link to an ODETF quality organization. Investigations that meet the ODETF criteria are then recommended as ODETF investigations.

General expansion of DEA activity, particularly in the SEO/P's, will greatly expand the number of high level investigations brought to the Task Force Coordinating Groups by DEA via the SEO/Ps.

The third reason DEA's participation in the ODETF Program will increase in 1992 is because of the expansion of resources for the asset related aspects of drug investigations and money laundering investigations.

While it is important to immobilize major violators, it is equally important to deprive them of the assets gained from the illegal activity. Failure to seize the assets of a major drug trafficking organization would allow someone else to step in and continue the illicit activities of the organization.

In 1990, through the ODETF Program, DEA seized assets valued at \$454.6 million. This increase can be attributed partly to the establishment of Asset Removal Teams (ARTs) in each of the Division Offices. An Asset Removal Team is made up of Special Agents, intelligence analysts, and support personnel. It is the team's responsibility to investigate criminal records and to identify assets for seizure that may not be readily available without a thorough search. ARTs are specifically assigned to the ODETF Program, ARTs support DEA's ODETF effort and they enable DEA to maximize the amount of assets seized in ODETF drug investigations.

In addition, it is not unusual for a high level drug trafficker to shelter profits gained for illegal drug activity in foreign banks. Since DEA has authority to operate overseas, DEA can provide the assistance necessary to seize the assets in these cases. Increased emphasis on the financial aspects of investigations will not only reap more monetary benefits for the government but it will also provide an even more effective means of destroying high level traffickers. DEA plans to continue its current emphasis on money laundering through increased participation in cooperative investigations such as Operation Polar Cap and Operation Places.

(1) Increased DEA Participation in ODETF Investigations - 116 positions, 37 workyears, and \$12,300,000.

An additional 116 positions (90 Special Agents, 24 support), 37 workyears and \$12,300,000 is requested in 1992 to increase DEA's participation in the ODETF Program. DEA plans to increase its participation in the ODETF Program through internal policy changes and by placing additional emphasis on initiatives identified in the National Drug Control Strategy. DEA does not assign Special Agents exclusively to the ODETF Program, rather, Agents that begin cases that later develop into ODETF cases usually follow the investigation through to completion. DEA believes this is the most effective way to develop and conclude a case since the Agent assigned to the investigation from the beginning has the best understanding of the case history, intelligence, and loyalty of informants. Because of DEA's policy not to assign Special Agents to the ODETF Program, it is difficult to specify how many Agents would be dedicated to each function (i.e., increased money laundering investigations). However, a significant increase in ODETF cases is anticipated in 1992 as a result of the aforementioned changes and also because of the growth in Special Agent manpower DEA-wide which will increase the number of general investigations that will develop into ODETF investigations. Support positions such as chemists and intelligence analysts are contained within DEA's direct appropriation.

DEA's 1991 budget for directly appropriated and OCEIF reimbursable funding represented the first year of a three year program to achieve sustained, steady growth for DEA. The OCEIF Program plays a significant role in that program and, consequently, represents a significant portion of the second year of DEA's growth strategy. In recognition of the importance of the OCEIF Program, 40 percent of DEA's 1992 Special Agent request, or 90 additional Special Agents will be dedicated to the OCEIF Program.

(2) State and Local Overtime - \$600,000.

The Organized Crime Drug Enforcement Task Force Program encourages the joint involvement and participation of state and local law enforcement personnel in the investigation, apprehension and prosecution of drug trafficking and drug producing organizations. Encouraging participation in the OCEIF Task Force investigation, to support and enhance such joint participation, it is anticipated that funding of \$5.0 million will be available for FY 1991 to reimburse state and local law enforcement agencies for overtime costs and authorized travel and per diem expenses incurred by state and local law enforcement personnel assigned to work on Task Force investigations.

An increase of \$600,000 is requested for 1992, bringing the total to \$5,600,000 for this beneficial program.

Benefits

(1) The internal policy change regarding DEA's current strategy for nominating cases to the OCEIF Program will result in more top-level cases being nominated to the Program in the early stages of an investigation. This will allow DEA to take full advantage of the knowledge, experience, resources, and prosecutorial support of all agencies participating in the OCEIF Program.

(2) Additional staffing resources will be available to implement the recent Agreement with the U.S. Customs Service regarding cross-designation.

(3) The recent field survey of Core City U.S. Attorneys reflected the need for an increased DEA presence, especially in rural and outlying districts. Coverage of medium and rural population areas will be enhanced.

(4) DEA deputations of state and local officers is also of concern. The problem is especially acute in the smaller offices where there are not enough DEA agents to participate in the OCEIF investigations proposed by state and local officials. This is especially true in rural areas where the development and exploitation of medium sized and rural jurisdictions which throughout the life of the OCEIF Program have produced 70% of the outputs with only 50% of the resources.

These agents and support personnel would serve as liaison and support personnel to other federal investigative agencies and personnel cross-designated by DEA and state and local officers deputized by DEA. The benefits derived from the addition of these Special Agents with this specific responsibility would be dramatic. By the commitment of only one qualified person in such a role, the OCEIF manpower pool available to perform Title 21 investigations would be increased many times.

(5) The State and Local Overtime Program helps to facilitate a maximum contribution from state and local governments and elevates their efforts toward higher-level multi-jurisdictional investigations. By working together, member agencies and state and local police officers achieve increased cooperation and communication that aids the investigative process at the working level to help make OCEIF cases more productive. In addition, the Program expands the available workforce with a resulting increase in arrests and convictions.

	1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Federal Bureau of Investigation	936	926	\$88,150	1,101	1,019	\$107,220	165	83	\$19,070

A program increase of 111 Agent positions (56 Agent workyears), 54 support positions (27 workyears) and \$19,070,000 is requested for the FBI. Also, included within this request are non-personnel enhancements for confidential case funding (\$1,509,000); asset forfeiture investigations funding (\$2,500,000); and regional conference and coordinator travel funding (\$328,000).

(1) Confidential Case Funding - \$1,509,000.

- Confidential case funding provides the field with the necessary flexibility to build a case up to the point where a formal undercover operation can commence, to address specific short deadline confidential funding needs and to provide interim confidential funding for short-term pen register or Title III requirements and short-term covert rental of space.

The cost of leased lines has increased dramatically since the breakup of American Telephone and Telegraph (AT&T). Electronic surveillance techniques are frequently necessary to identify members of drug distribution networks, trace funds and identify assets for forfeiture. Electronic surveillance continues to be a critical investigative technique in other programs as well. In addition to an increase in the number of telephone lines leased, these lines must be leased for increasingly longer periods of time due to the complex and international aspects of these investigations.

The FBI must pay tariff rates on each of these telephone lines. In some field offices, after divestiture, the telephone companies have also billed the FBI for the services required of their Security Departments. Prior to the breakup of AT&T leased line rates were subsidized by long distance rates and were a minimal expense. Now, the actual costs of local services are being billed, causing a dramatic increase in rates.

(2) 111 Federal Bureau of Investigation Field Agent positions (56 workyears); 54 general support positions (27 workyears); and \$19,070,000.

- An increase of 60 Agent positions and 39 general support positions for investigations of major multijurisdictional drug trafficking organizations is requested for the FBI. Additionally, 51 Agent positions and 15 general support positions are requested for a regional action initiative. This enhancement would provide the necessary resources for the FBI to increase its investigative commitment to ODEIF's comprehensive attack against criminal drug trafficking organizations which prey upon society through the manufacture, importation, and distribution of illicit drugs.

Drug trafficking is one of the most critical crime problems facing the United States, one which a presidential directive called a threat to national security. The FBI's National Drug Strategy, released in January 1990, recognized the increasing drug problem and called for the United States to be New York City, Miami, and Los Angeles. With the subsequent addition of Houston and San Antonio as the Southwest Border, the FBI's leadership in identifying these major drug distribution centers provided the foundation for the Office of National Drug Control Policy (ONDCP) to designate these cities and the Southwest Border of the United States as "High Intensity Drug Trafficking Areas" (HIDTAs).

The ONDCP uses ODEIF as the focal point for the coordination of the federal law enforcement efforts in these areas. The National Drug Control Strategy, released in January 1990, stated that the National Drug Priorities for 1991-1993 included providing additional ODEIF personnel and resources for investigations of drug trafficking organizations. Given the expanded role of ODEIF in the ONDCP's National Drug Control Strategy, the FBI's important role in identifying first- and second-level drug distribution centers, and the FBI's enhanced investigative efforts along the Southwest Border, the FBI requires additional personnel resources to meet an expanded role and commitment to ODEIF in 1992. These requested resources would also assist in providing more intelligence through the use of electronic surveillance coverage, racketeering enterprise investigations, and undercover operations. These sophisticated, resource-intensive investigative techniques provide the most effective means for identifying and penetrating major drug trafficking organizations and their extensive conspiratorial networks.

With the requested resources, the FBI would focus its ODEIF investigative efforts on several new or ongoing initiatives. The new agent positions are needed to increase the FBI's efforts in all of the FBI's ODEIF subprogram areas. It is anticipated that of the 111 additional positions requested, approximately 54 percent would be directed to investigations of the major internationally based drug trafficking organizations such as the Colombian/South American, Mexican, and Asian groups, while the remaining 46 percent would be dedicated to

investigations involving significant regional drug trafficking groups. During 1990, approximately 75 percent of the FBI's ODEIF field agent resources were utilized in investigations of major Colombian/South American, Mexican, European/Italian and Asian drug trafficking organizations. The remainder was devoted to investigations of major regional organizations which are groups operating on a multi-jurisdictional scale that maintain direct connections to internationally-based drug organizations responsible for supplying principal United States drug markets. Included are such groups as the Los Angeles-based Bloods and Crips, as well as Jamaican Poses.

Major Multi-jurisdictional Drug Trafficking Organizations

FBI intelligence has revealed that significant drug trafficking organizations within each of the FBI's subprogram areas have expanded their operations to all geographic regions of the United States. For example, Colombian/South American trafficking organizations, which control the principal means of importation and distribution of cocaine, have expanded their operations from southern Florida to the southwest, eastern seaboard, and the Gulf Coast states, as well as to Canada. Ten years ago the cartels were largely content to sell their product to American addictions. Now, cartel kingpins have established smuggling, marketing and money-laundering networks that extend from coast to coast. In addition, numerous independent entrepreneurs dealing in smaller loads, a transition into a very well-organized business with multiple shipments has occurred. The Colombians have enhanced their profits dramatically by controlling the warehousing in the United States and selling to the first-line retailers.

Mexican drug trafficking organizations are responsible for the importation and distribution of brown and black-tar heroin, cocaine and marijuana. These groups have now spread their operations across the United States, when once they operated primarily in the southwest. Additional personnel are needed to assist the FBI in expanding investigative efforts against Mexican trafficking organizations as a part of the FBI's Southwest Border Initiative. This initiative includes the FBI field offices of Albuquerque, Dallas, El Paso, Houston, Phoenix, San Antonio and San Diego. Many of these Mexican drug trafficking organizations can be addressed more efficiently and effectively by the FBI working closely with other federal, state and local law enforcement agencies in the ODEIF Program.

The Asian drug trafficking organizations have rapidly emerged as significant traffickers in Southeast Asian heroin as well as engaging in other related crimes. Recent cases have established their activity in San Francisco and Los Angeles, California; Washington, D.C.; New York, New York; Boston, Massachusetts; Chicago, Illinois; and Houston, Texas. Accumulated FBI intelligence, as well as that obtained from the law enforcement and intelligence communities, has clearly established an indisputable correlation between Asian drug trafficking and illegal/legal immigration to the United States from various Asian countries. These groups have accumulated an approximate 40 percent share of the heroin market in the United States, according to National Narcotics Intelligence Consumers Committee "signature" figures. Expansion of the investigative effort and intelligence base is necessary to address these groups.

Due to language barriers and the close-knit traditions of Asian groups, penetration and successful investigation of these drug trafficking networks must utilize a full use of electronic surveillance operations, and surveillance techniques. The use of informants, informants and electronic surveillance techniques in the investigation of drug trafficking organizations has become a major problem encountered in attempts to penetrate their conspiracies utilizing undercover techniques. A critical and proactive approach to the threat posed by the Asian drug trafficking groups must be taken by the ODEIF agencies, and must be addressed soon. Asian drug trafficking activity will continue to pose an ever increasing domestic threat through 1997 when Hong Kong comes under Chinese communist control. The anticipated stringent enforcement measures characteristic of a communist society will force Asian criminals to emigrate to the United States and other countries where they can continue to operate free of "excessive" government controls.

Regional Action Initiative

The FBI currently has 56 field offices and resident agencies located in 454 cities. There is no other federal law enforcement agency with a presence in so many cities around the United States. It is this extensive presence that places the FBI in the unique position of employing the ODEIF concept in order to maximize its effectiveness.

In establishing an effective method of addressing major drug trafficking organizations throughout the country, the FBI identified first, second, and third-level drug distribution cities. Specifically, these cities are as follows.

Level I - Houston, Los Angeles, Miami, and New York
 Level II - Boston, Chicago, Detroit, Newark, San Diego, and San Francisco
 Level III - Atlanta, Dallas, El Paso, New Orleans, Philadelphia, Phoenix, Portland, San Antonio, and Tampa
 Level IV - all other FBI field territories.

The FBI is committed to addressing major drug trafficking in the main centers of drug importation and distribution and in other areas across the country where such trafficking is intensely prevalent. The majority of FBI drug investigations address internationally-based drug organizations and by 1992 approximately 40 percent of these matters would focus on "other drug trafficking organizations" which target major, multi-jurisdictional regional drug groups. Many of the "emerging groups" and national gang organizations had their genesis as major regional organizations. It is also clear that some of the FBI's Level II cities and many of the FBI's Level III and IV cities concentrate heavily on this regional class of investigation, and should continue to do so. Large and influential multi-jurisdictional drug organizations perpetuate the flow of drugs from the ports of entry to the interior of this country. The fact that such groups are classified last in the FBI's National Drug Strategy (NDS) should not be construed as diminishing their status in the overall NDS ODETF Program.

To address the FBI's ODETF responsibilities concerning these other drug trafficking organizations in the field offices other than the HIOs, additional agent resources are required in 1992. These resources would ensure the FBI's investigative presence in middle America and in other non-Level I and II distribution centers where additional major drug trafficking problems are prevalent. Currently, of the funded ODETF field agent resources, approximately 49 percent is allocated to the ten FBI field offices which comprise the Level I and II cities and the remaining 51 percent is distributed to the other 46 field offices.

Utilizing an regional action initiative would provide selective resource enhancements to those Level III and IV field offices that can demonstrate that virulent regional organizations are active in their territory and that those groups have a definable nexus to a major multi-national organization. The requested enhancements will thus serve two purposes.

The primary aim would be to enable these field offices to target and dismantle the drug trafficking organizations and their money laundering apparatuses, and seize their assets. The second objective is to enable those offices to backtrack the regional groups to their Level I and II city-centered supply organizations. Additionally, this will disrupt the operations of major drug trafficking organizations in Level I and II cities by forcing these groups to find alternative markets and distributors in Level III and IV cities, and thus running a greater risk of detection by law enforcement.

Increased interdivisional communication, travel and other investigative activity between major cities and smaller cities have generally grown in proportion to the increase in drug trafficking within a region. Concurrent increases in total investigative leads sent from one office to other field offices (satellite office leads) have followed a similar pattern. In many instances, this ancillary investigative work has provided the needed identity and background information to the major cities. In some cases, the major cities have been able to conduct investigations as a result of successful regional drug investigations, or have provided operational intelligence and analytical support. Strategic intelligence of value to the FBI's Level I and II cities. This regional action initiative is designed to enhance the abilities of the FBI's field offices where drug trafficking is less intense to trace the flow of drugs to the source and also to provide quality, time-sensitive intelligence critical to dismantling major, multi-national drug organizations.

Support Requirements

An increased number of agents also requires a corresponding increase in general support personnel. The requested 111 agent positions dictate the need for additional general support positions to perform clerical and related functions in support of FBI ODETF drug investigations. Critical word processing, file maintenance, evidence control, trial preparation, and other non-investigative administrative functions, must be performed to support investigations. Without proper support, agents are relegated to performing these clerical functions.

(3) Regional conferences - \$328,000.

Each of the thirteen ODEIF regions has an annual regional conference which provides the opportunity for personnel from the various areas to become fully attuned to the policies and procedures of ODEIF. These conferences also afford the opportunity for the FBI's regional coordinators to present matters which are regional in nature and to foster harmonious interagency working relationships. These ODEIF conferences are multi-agency meetings arranged by the United States Attorneys' Offices with FBI support and direction. ODEIF regional conferences are held within the ODEIF region to minimize costs to enable state and local law enforcement representatives to attend.

Additionally, a national conference is also required to provide a forum for presenting and explaining new policy and procedural matters; exchange of ODEIF related information; and evaluate the effectiveness and efficiency of the ODEIF regions as a whole.

The benefits derived by the participants at these conferences, which include all participating Federal, State and local law enforcement agencies, are many. Regional conferences provide the attendees with direct one-on-one contact with their peers and associates who are also involved in similar investigative efforts within their specific region of the country. This interaction among the participants enables them to receive the benefit of learning first-hand from the investigative situations experienced by other participants. The operational information gained from these conferences is an invaluable investigative tool that must be made available to all ODEIF participating agencies. Additionally, these conferences assist in fostering greater cooperation and noncompetitive attitudes which enable the many diverse agencies which participate in ODEIF matters to work more effectively and efficiently together.

(4) Asset forfeiture funds - \$2,500,000.

The request to purchase evidence would allow for enhancement of investigative efforts and provide further support for the criminal allegations and/or activities that are being looked into. Direct purchases of evidence facilitate the satisfaction of a portion of title 21, the Controlled Substances Act, which requires prior possession of illicit drugs. These purchases provide direct evidence incriminating the seller of not only possession, but also of having the intent to distribute the illegal substance. The purchase of evidence provides:

- o an avenue to determine conspiratorial relationships with the seller and suppliers;
- o the opportunity to question the seller, thereby providing information on source of drugs;
- o the probable cause, or one element thereof, for utilizing electronic surveillance by linking possession of drugs with communications to distribute the drugs;
- o an indication of where in the conspiratorial ladder the seller is, due to the quality of drugs purchased;
- o irrefutable proof that the subject deals and is involved with drugs due to the direct hand to hand contact and delivery of the drugs; and
- o assistance in providing cooperating witnesses.

Benefits

(1) Additional investigative resources will enable the FBI, in cooperation with the other ODEIF agencies, to proactively target a larger number of the current and yet to be identified internationally based and multi-jurisdictional drug trafficking organizations and their money laundering support mechanisms. These requested resources would also assist in providing additional intelligence through the use of electronic surveillance coverage, Racketeering Enterprise Investigations, and undercover operations. These sophisticated, resource-intensive investigative techniques provide the most effective means for identifying and penetrating major drug trafficking organizations and their extended conspiratorial networks.

(2) Because the FBI has 56 field offices and residence offices located in 456 cities, it is in an excellent position to maximize the effectiveness of the ODEIF effort. The increased resources for field offices and residence offices will address concerns made in the recent field survey of Core City U.S. Attorneys regarding insufficient FBI/DEA coverage in other than major distribution centers.

	1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	WT	Amount
Immigration and Naturalization Service..	125	125	\$10,550	136	131	\$11,463	11	\$913

A program increase of 11 reimbursable positions (11 agents), 6 reimbursable workyears and \$913,000 is requested.

As the investigative arm of the Immigration and Naturalization Service, the Investigations Division is responsible for all INS investigative enforcement operations. In addition to the deterring, and detecting of violations of criminal and administrative provisions of the Immigration and Nationality Act (INA), and related federal and state statutes, enforcement activities include the identification, investigation, and apprehension of aliens involved or associated with illicit narcotics trafficking.

Congress, cognizant of the extensive involvement of aliens in the criminal drug trade enacted recent legislation that requires the INS to place a greater emphasis on the investigation of criminal, alien narcotic organizations. INS's role in ODETF investigations is to target criminal alien narcotic organizations, individual alien drug offenders and aliens convicted of aggravated felonies or other violent crimes associated with illicit narcotics activities. These criminal investigations often require subpoenas, search warrants, and extensive use of technical monitoring equipment in protected undercover operations to gain evidence required to sustain a successful criminal narcotics prosecution. The main function of the INS Investigation Division's ODETF personnel is to identify, investigate, and assist in the prosecution of members of high-level drug trafficking and related enterprises who are foreign nationals or aliens illegally in the United States resulting in the dismantling of those organizations.

The specific mission of the INS in support of the ODETF Program is to focus its investigative activity on large organized groups comprised of aliens who control the importation and distribution of illicit narcotics throughout the United States. Traditionally, INS anti-drug investigative efforts focus on Colombian, Mexican, and Asian involvement in the illegal drug trade. Of primary concern to the INS is the rapid increase in the number of violent Asian youth gangs operating throughout the country. The transfer of Hong Kong to the People's Republic of China in 1997 will result in the establishment of large refugee and immigrant communities. These communities provide an excellent pool of potential gang members to be recruited by the domestic Asian organized crime groups now preying on the innocent members of their ethnic communities. In addition to its traditional investigative activities, the INS has directed a large proportion of its resources on combating Jamaican Organized Crime groups. INS, together with BATF and other participating agencies, under the umbrella of the ODETF Program has been continually involved in the disruption and dismantling of these notorious and violent criminal groups more commonly known as "bushys". The current level of resources available to the INS makes it impossible for the investigation and apprehension of a position number 2 to many of the requests initiated by other law enforcement agencies or to support the INS's support of the ODETF Program. Additional resources are required to enable the INS to respond to increasing demands on increased ODETF participation and to ensure that INS performance is not only consistent with the Task Force objectives but complements the INS primary mission.

Benefits

The high volume of alien activity in the illicit narcotic trade was responsible for the entry of the INS Investigations Division into the Organized Crime Drug Enforcement Task Force (ODETF) Program, and has confirmed the need for effective participation by INS in this Program. The unique statutory authority of the INS Special Agent to investigate and the ability to understand the various ethnic communities and organizations remains a significant contribution offered to the ODETF Program by the Investigations Division and has proven to be a valuable weapon in the continuing war on drugs.

	1992 Base		1992 Estimate		Increase/Decrease	
	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	WT	Amount
U.S. Customs Service.....	356	\$28,266	386	\$30,781	30	\$2,495

A program increase of 30 reimbursable positions (24 agents, 6 support), 15 reimbursable workyears (12 agents, 3 support) and \$2,495,000 is requested for the U.S.C.S.

(1) Staffing - 30 positions, 15 workyears and \$1,195,000

The 1,000 plus Customs agents working Title 21 drug smuggling investigations and drug related money laundering investigations under cross-designation provided by the January 1990 Customs/DEA agreement are expected to generate increased workload of OCEIF quality. The requested new OCEIF reimbursable positions will allow Customs to meet the anticipated increased workload.

The Core City United States Attorney Field Survey (conducted by the Executive Office for OCEIF) identified concerns that Customs has not provided resources to investigate drug operations and related money laundering activities. The increased workload of Customs involvement in these investigations would help fill this void. With the increased workload, Customs field managers could increase participation in other agency initiated investigations with a focus to the border or by new informants developed from Customs expanded role in narcotics/money laundering investigations.

(2) Equipment - \$600,000.

Five (5) covert exterior video surveillance systems costing approximately \$45,000 each, and ten (10) covert interior systems costing \$15,000 each are required at a total cost of \$175,000. OCEIF demands have placed a serious strain on the few such systems available in the Customs inventory.

Eleven (11) bodywire kits costing \$130,000 to support OCEIF investigations and special operations are also requested.

The balance of the requested equipment funding, \$95,000, would be used to acquire dial number recorders, and other electronic equipment to be used in support of court approved electronic surveillance.

(3) Special Operations, Undercover Operations, and Title III Intercepts - \$700,000.

Funding in the amount of \$700,000 is requested for Special Operations, Class I and Class II undercover operations, and Title III intercepts. These investigative techniques continue to be critical, and in some cases represent the only means to acquire the necessary evidence for prosecution. Success in prosecution of drug trafficking and money laundering organizations, Customs is required to pay for leased telephone lines for long periods of time. Rentals and operational expenses for undercover operations are also required. Special operations and undercover agents attempting to identify and penetrate major criminal organizations.

Rentals for listening post locations, observation posts locations, supplies and furnishings for storefront locations, transcription and translation costs, and numerous other expenses are required for these type investigations. This additional funding will allow Customs to use the necessary special investigative techniques necessary to meet the challenges posed by the criminal organizations targeted by the thirteen task forces.

Benefits

The requested increase will allow Customs to expand field operations and conduct follow up investigations of OCEIF quality arising from Customs expanded role in drug and money laundering law enforcement.

	1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	WT	Amount

Bureau of Alcohol, Tobacco and Firearms. 137 130 \$10,346 148 135 \$11,443 11 5 \$1,099

A program increase of 11 reimbursable positions (10 agents, 1 support), 5 reimbursable workyears (5 agents) and \$1,099,000 is requested to support the Bureau of Alcohol, Tobacco and Firearms' efforts within ODEIF. Also included is \$200,000 for the purchase of evidence.

Through ODEIF, Jamaican Poses or gangs have been the object of intense BATF enforcement efforts. The 40 identified poses who conservatively have in excess of 13,000 members have been responsible for over 2,900 homicides in the United States since January 1, 1985. This is an ongoing problem. For example, between July 1 and December 1, 1989, 600 of these 2,900 murders occurred.

BATF has provided a major initiative in the fight against Jamaican poses. Various strategies have been employed, and ODEIF has been instrumental in the fight against the poses. In particular, the Immigration and Naturalization Service has teamed with BATF in this area. The Bureau has also co-sponsored national conferences on Jamaican organized crime in conjunction with State and local police organizations.

Street gangs have become a major criminal force in inner-city neighborhoods. Street gangs, such as the Trips and Bloods, which have over 77,000 members in Los Angeles alone, are now branching out to other cities and States. Gang violence is extremely high, and gang members are frequently armed with handguns, shotguns, and semi-automatic rifles.

Gang members are heavily involved in the crack/cocaine business and show no hesitation to use their weapons to protect or expand their territories. These gangs are being investigated and are also the subject of BATF enforcement strategies through ODEIF.

(1) Purchase of Evidence - \$200,000.

An increase of \$200,000 for the purchase of evidence fund is requested for FY 1992 to support the Bureau of Alcohol, Tobacco and Firearms' efforts within ODEIF.

With recent changes in the firearms laws, BATF commenced undercover purchase of narcotics. Narcotics are now purchased by special agents in pursuit of certain firearms violations--specifically, 18 U.S.C. Section 924(c), which carries a mandatory 5-year penalty for using or carrying a firearm during a drug trafficking offense.

The emerging violent gangs, the overall increase in narcotics-related violence, and the increase in narcotics-related firearms investigations are on the increase. BATF enforcement efforts require additional undercover and evidence funds to attack the problem. In furtherance of these investigations, BATF special agents have begun purchasing narcotics from gang members, which has had a dramatic impact on the purchase of evidence funds. BATF was allocated \$101,000 for purchase of evidence in FY 1990 for ODEIF, and the allocation was exhausted by January 1992.

(2) Staffing - 11 positions, 5 workyears and \$899,000.

An increase of 11 full-time equivalent positions (10 agents, 1 support), 5 workyears and \$899,000 is requested for FY 1992 to enhance the Bureau of Alcohol, Tobacco and Firearms' efforts within ODEIF.

For BATF to fully implement and realize its objectives in the ODEIF Program, additional personnel are needed. These positions will provide a BATF presence in areas where narcotics-related firearms and explosives investigations are on the increase. Specifically, the additional BATF resources will be deployed to work on multi-agency ODEIF investigations in areas where the gangs are enjoying their violent trafficking organizations.

These additional positions will also be utilized to: 1) assist in the identification of weapons bought, sold or in the possession of narcotics dealers; 2) increase liaison with ODETF counterparts in other Federal, State, and local agencies; and 3) to collect, evaluate, and share criminal information pertinent to ODETF enforcement priorities regarding street gangs.

Benefits

- (1) BATF's overall goal in ODETF is to identify, investigate, and prosecute members of high-level drug trafficking enterprises through the use of federal firearms laws. Firearms have proven to be an intricate part of drug trafficking operations, and most drug traffickers possess firearms and/or explosives for protection of themselves, their money, and narcotics. BATF's drug enforcement strategy is to maximize the use of its resources and statutory authority against these individual and organizations. The additional resources will enable BATF, in concert with the other ODETF participating agencies, to expand the use of that investigative technique and criminal charge into communities other than just the core cities.
- (2) The increase in purchase of evidence funds requested will allow BATF to purchase evidence needed to prosecute firearms and narcotics law violations in those communities into which the posses and gangs are expanding their trade and violence. With an increase in purchase of evidence funds, BATF will be able to more fully conduct ODETF investigations with a weapons component and will be able to stem the expansion of this problem.
- (3) The granting of the request for 10 agent positions will permit BATF to more effectively assist the ODETF Program in its endeavors to thwart criminal narcotics enterprises and violent street gangs, and
- (4) It is projected that with these additional resources, BATF would initiate an additional 48 investigations and would recommend 52 additional suspects for prosecution.

	1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	WT	Amount
Internal Revenue Service.....	473	456	\$37,366	575	507	\$46,153	102	\$8,787
A program increase of 102 reimbursable positions (85 agents, 17 support), \$1 reimbursable workyears (43 agents, 8 support), and \$8,787,000 is requested for FY 1992.								

The additional investigators will perform money laundering investigations and financial investigations in support of the ODETF Program. Analysis of financial transactions has been found to be an effective means of identifying illegal profits earned by drug traffickers both domestically and internationally. This increase will provide the expertise of IRS special agents in tracing and documenting financial receipts related to the sale, movement, and reporting of illegal drugs. The related support positions are required to provide critical assistance to the investigative personnel.

The mission of the Internal Revenue Service is to foster compliance with the laws under its purview through the effective enforcement of tax and currency-related statutes. A significant portion of this enforcement activity is applied to narcotics related investigations, especially those within the Organized Crime Drug Enforcement Task Force (OCDETF) Program. The Internal Revenue Service is an integral part of the OCDETF Task Force Program due to the agency's wide statutory authority and its expertise in financial investigations. Through IRS' investigation of violations of the tax laws under Title 26, the IRS has provided a clearly defined, non-overlapping basis to assist in the success of prosecution of designated violent drug gang members. The OCDETF Program has been successful in the identification and prosecution of the individuals who are responsible for violations of money laundering under the provisions of Title 31 and Title 18 makes the IRS a vital agency in financial investigations and asset seizure and forfeiture actions.

Financial investigations enable the Task Force to identify the entire organizational structure of the drug trafficking operation, to identify monies and assets for seizure and forfeiture action, and to document violations of currency laws. Because of its expertise in financial investigations, the Internal Revenue Service has been requested to participate in an increasing number of ODETF cases.

The expertise of the Internal Revenue Service in financial investigations is beneficial in nearly all Task Force investigations. While participation in the Task Force by the Internal Revenue Service does not always result in violations for which the Internal Revenue Service has statutory authority, it does document violations for Title-21 agencies and provides the basis for forfeiture action under 18 USC 881. The requested resource level for FY 1992 will allow the Internal Revenue Service to maintain its commitment to and general participation in the ODETF Program and will enable the Internal Revenue Service to expand its narcotics-related enforcement program to achieve greater investigative accomplishments.

The National Drug Control Strategy emphasizes the critical role that money laundering/financial investigations contribute to the ultimate destruction of drug trafficking organizations and their illegal activities. Program and budget guidance provided in Director William J. Bennett's letter of March 9, 1990, advised that expansion of resources for money laundering investigations should guide the development of the ODETF FY 1992 budget.

The Administration's money laundering strategy seeks to attain three primary goals: 1) the prosecution and incarceration of money launderers and the leaders and members of drug trafficking organizations; 2) the freezing, seizure, or confiscation of criminally derived assets; and 3) the deterrence of individuals or institutions from co-operating with money launderers or their clients through the enforcement of existing laws and regulations, the enactment or strengthening of laws and regulations where needed, and the certainty of sanctions in the event of noncompliance.

Benefits

- (1) At the requested resource level, the Internal Revenue Service will provide a substantial response to the President's objectives relative to expanded resources for money laundering investigations, additional ODETF personnel for investigations of drug trafficking, and for expanded Federal/State/Local task force efforts.
- (2) The IRS will be able to expand its staffing of prior fiscal years. These additional resources would enable the Internal Revenue Service to participate in additional money laundering investigations. This resource level will allow the Internal Revenue Service to expand its enforcement of the Bank Secrecy Act. Enhanced enforcement will be obtained through increased financial targeting, expanded undercover operations, and increased verification of compliance, particularly for non-bank financial institutions such as currency exchangers and transmitters of funds. Expanded enforcement of transactional money laundering statutes will result in additional investigative accomplishments, increased seizures, and additional forfeitures.
- (3) The Internal Revenue Service will increase its participation in the ODETF Program. The agency will be able to participate in a greater number of ODETF investigations and will be able to provide increased assistance in financial task force investigations and in multi-jurisdictional task forces.
- (4) The anticipated workload of the IRS in the Organized Crime Drug Enforcement Task Forces is presented in the following table:

Item	Estimates	
	1991	1992
Investigations Initiated.....	368	649
		786

Explanation: Estimates based upon actual time reported by Criminal Investigation's Case Management and Time Reporting System for FY 1989.

Activity: Prosecutions	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm. Pos.	Yr	Amount	Perm. Pos.	Yr	Amount	Perm. Pos.	Yr	Amount	Perm. Pos.	Yr	Amount
U.S. Attorneys.....	956	790	\$46,655	956	939	\$74,092	1,109	1,015	\$82,428	153	76	\$8,336
Criminal Division.....	6	6	702	6	6	723	6	6	723	...	...	...
Tax Division.....	14	12	1,194	14	12	1,236	14	12	1,236	...	...	...
Total.....	976	808	\$48,551	976	957	\$76,051	1,129	1,033	\$84,387	153	76	\$8,336

This funding is used to reimburse the U.S. Attorneys, the Criminal Division and the Tax Division for their investigative support and prosecutorial efforts towards ODE Task Force cases. Litigation efforts are targeted selectively on the criminal leadership involved in drug trafficking and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises.

Each of the 13 regional ODE Task Forces is coordinated by a senior U.S. Attorney. The thrust of the ODE Task Force prosecution activity is to encourage the maximum level of cooperation at the district level by marshaling the efforts of federal and local prosecutors in these organized crime drug trafficking cases.

Long Range Goal: To reduce the incidence of organized criminal involvement in all aspects of illicit drug activity in the United States through the prosecution of members of high-level drug trafficking enterprises.

Major Objectives:

- To prosecute individuals who organize, direct, finance or are otherwise engaged in high-level illegal drug trafficking enterprises, including large scale money laundering organizations.
- To promote a coordinated drug enforcement effort in each task force area, and to encourage maximum cooperation among all drug enforcement agencies.
- To work fully and effectively with State and local drug enforcement agencies.
- To make use of financial investigative techniques, including tax law enforcement and forfeiture actions, to make possible Government seizure of assets and profits derived from high-level drug trafficking cartels.

Base Program Description:

- The United States Attorneys.

Prosecution in each of the 13 Task Forces is conducted by attorneys and support staff coordinated by District U.S. Attorneys and a Core City U.S. Attorney who is accountable to the Deputy Attorney General on matters pertaining to conduct of the Task Force. The thrust of the ODE Task Force Prosecution Program is to encourage the maximum level of cooperation at the district, regional, national, and international levels by having the non-core District U.S. Attorneys and the Core City U.S. Attorney coordinate the activities of the agencies participating in the Program.

The ODE Task Force Program implements a major Administration initiative to combat organized crime and drug trafficking. The Program is based on a high degree of cooperation and coordination among federal, state and local law enforcement and prosecution agencies. The thirteen regions identify, investigate and prosecute members of high-level drug trafficking enterprises to dismantle those organizations. The range and nature of the investigative techniques requires continuing and intensive participation by Assistant U.S. Attorneys in the development of investigative

strategy and in the provision of continuing counsel to ensure that the evidence growing out of investigations will be complete, conclusive, proper and admissible.

Task force prosecutions benefit from the Program's broad, thorough and careful approaches. The Guidelines lay down distinctive principles for Task force prosecutions including:

- an increased emphasis on forfeitures, either in civil actions or under the criminal forfeiture provisions of the law;
- the use of any of a wide range of statutes, not just drug statutes, to put drug trafficking organizations out of business; and
- a concerted coordination of prosecutorial activities among various jurisdictions in order to achieve maximum impact on entire organizations.

When a grand jury returns an indictment or an information is filed, the case moves from the investigative to the prosecutorial phase. The prosecution of an OCDETF Task force case is qualitatively different from that of any other drug prosecution. The continual involvement of a Task force AUSA during the investigation results in the construction of a stronger case. Prosecuting attorneys are provided with the information necessary to be familiar with all aspects of the case thereby enabling them to develop a better prosecution strategy.

The AUSA working with agents with a wide range of areas of expertise, ensures that specific statutory violations are appropriately documented and charged. This coordination of effort also results in a strategy that times the prosecution of cases to provide not just the prosecution of individual defendants, but maximum disruption of the drug trafficking organizations involved.

The Task force emphasis on collaboration with State and local law enforcement agencies and on the cross-designation of attorneys affords a greater choice of venues in which a case may be brought to trial. With the option of taking a case to a Federal or a State court, the prosecutors can take best advantage of the available statutory relief afforded by the two systems. Where a State's penalties for criminal possession of small amounts of drugs are more severe than the Federal penalties, prosecutors can bring the case to the jurisdiction with the more punitive statutes.

One of the cornerstone principles of the OCDETF Program is early attorney involvement in the development of case strategy. The Task force Program affords prosecutors the time they need to participate in the development of this strategy and to provide the necessary legal services and counsel that investigators require. They are not expected to rush cases to completion, but rather to move deliberately toward successful and comprehensive conclusions. And while Task force attorneys carry a caseload of fewer cases, theirs are typically more intricate and long-term than those of their non-Task force counterparts.

A second strength is the development of skills by OCDETF Task force attorneys who are dedicated full-time to complex OCDETF matters. For investigators and attorneys alike, the use of electronic surveillance or the mounting of undercover operations are especially unique and time-consuming since they require extensive and complex legal paperwork. A wiretap, for example, requires a detailed application for initial approval and repeated affidavits for renewal. The preparation of the necessary documents has become a virtual art form, and the Task forces have proved equal to the challenge. The number of attorneys experienced in handling these matters has increased, a significant development in an area where maintaining investigative momentum is crucial. Another feature cited by attorneys themselves is the increase in their knowledge of matters relating to narcotics dealing. The courts now recognize them for their greater acumen in interpreting the narcotics environment. When applying for warrants for wiretaps, searches, or arrests, they can now more authoritatively articulate the information contained in the supportive affidavits of the investigative agencies; for example, the probability of finding narcotics ledgers or financial books and records that will show the fruits of drug trafficking, even in locations where drugs themselves are not likely to be found. Similarly, they can better represent drug dealers' cryptic conversations in support of applications for extensions of ongoing court-authorized electronic surveillance or for new supplements. The development of such expertise in offices of the U.S. Attorneys is primarily attributable to the close working relationship among OCDETF Attorneys and experts from the investigative agencies under the aegis of the OCDETF Program.

2. Criminal Division.

The ODE Task Force initiative against organized drug traffickers has increased the demands on the Criminal Division to provide certain types of prosecutorial assistance and to participate directly in the development of particular cases. For example, many ODE Task Force investigations depend upon electronic surveillance to obtain evidence on the activities of participants. By law (28 USC 2516), all electronic surveillance must be authorized by the Attorney General or a designated Assistant Attorney General. Before authorization, each application is reviewed by Criminal Division personnel, and a recommendation is made to the Assistant Attorney General. Then, following authorization of either a wiretap or the intercept of communications, ODE Task Force cases are reviewed on the basis of the evidence collected. In addition, employing a selective surveillance strategy for the protection of a witness, i.e., by providing guards by relocating the witness out of the danger area, by securing a new identity for the witness, etc., must submit a request to the Criminal Division for review as to the qualification of the witness for the program and a determination as to the level of protection to be afforded to the witness.

3. Tax Division.

The Tax Division provides nationwide review and coordination of all tax charges in ODE cases. An experienced Tax Division attorney is assigned as a liaison official to each of the 13 ODE task forces. These attorneys work closely with each Core City AUSA and IRS coordinator and the AUSAs and IRS Special Agents in the investigation of tax crimes. They provide the local task forces with advice, guidance and expertise in developing and handling the tax investigations. They also provide litigation support.

Specifically their responsibilities include:

- a) periodic meetings with the Core City coordinators and IRS Agents;
- b) knowledge of the inventory of tax investigations, their nature and scope;
- c) monitoring the progress of all tax investigations;
- d) providing consultative assistance and direction whenever needed;
- e) the expeditious review of all recommendations for prosecution of tax charges, whether by indictment or plea, and
- f) conducting grand jury investigations and prosecutions of drug traffickers, as needed.

In addition to assisting in individual case development, Tax Division liaison attorneys participate in training new Assistant United States Attorneys and task force investigators in tax matters. They attend conferences in each region and participate in panel discussions on narcotics/tax prosecutions. The liaison attorneys communicate frequently with regional IRS coordinators to keep abreast of new developments which might be of particular importance not only to the Tax Division but to other drug task force components. The Tax Division has also maintained a clearinghouse of legal and investigative materials and information, and coordinates the dissemination of this information to regional task force personnel.

Accomplishments and Workload:

1. United States Attorneys.

Workload statistics for the United States Attorneys activity have been combined and are reflected in the Drug Law Enforcement budget activity on page 15. Examples of ODETF case activity can be found in the 1982-1989 Annual Reports of the ODETF Program.

2. Criminal Division.

Item	Estimates	
	1991	1992
Electronic surveillance applications reviewed.....	112	129
Witnesses accepted in protection program.....	134	108
Extradition requests transmitted:		
Requests Pending, Beginning of Year.....	363	468
Requests Received.....	371	320
Requests Closed.....	234	275
Requests Pending, End of Year.....	468	634
U.S. Legal Assistance Requests Transmitted:		
Requests Pending, Beginning of Year.....	151	185
Requests Received.....	74	136
Requests Closed.....	79	102
Requests Pending, End of Year.....	151	264

3. Tax Division.

Tax charges are often a key element in the successful prosecution of participants in criminal enterprises. Enforcement of the tax laws is playing an increasing role in the drug war. Approximately 26 percent of the prosecutions authorized by the Tax Division involve the illegal sale of drugs, and this percentage is likely to increase as the Internal Revenue Service is devoting substantially increased resources to investigating drug cases.

	Estimates	
	1991	1992
ODDIF Case Receipts		
a. Complex Cases.....	178	194
b. Outgrowths.....	56	89
Subtotal.....	234	283
c. Grand Jury		
Investigations.....	65	57
Total Case Receipts.....	329	341
ODDIF Case Closings		
a. Complex Cases.....	87	129
b. Outgrowths.....	70	109
Subtotal.....	157	238
c. Grand Jury		
Investigations.....	35	50
Total Case Closings.....	192	288

Note: Workload statistics were obtained from the Criminal Appeals and Tax Enforcement Policy (CAEP) Section, which maintains the Tax Division's automated case reporting and tracking system for criminal tax matters. 1989 and 1990 data reflect actual end of year caseload. Estimates for 1991 and 1992 are based upon internal data, statistics received from the Criminal Investigation Division, IRS, and information from the Office of National Drug Control Policy.

Program Changes:

Activity: Prosecutions	1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	WT	Amount
U.S. Attorneys.....	956	939	\$74,092	1,109	1,015	\$82,428	153	\$8,336

A program increase of 133 reimbursable positions (76 attorneys, 27 paralegals, 50 support positions), 76 reimbursable workers (38 attorneys, 13 paralegals, 25 support) and \$8,336,000 is requested. This enhancement will strengthen the prosecutorial efforts of the ODETF Program. Personnel increases are required due to an increase in drug trafficking, especially "crack" cocaine. There has been a corresponding increase in violent crime attributable to the increase in drug trafficking.

Approval of the above resources will also enable the ODETF Program to maintain a proper ratio of attorneys to agents.

The 1985 Caseload Study of the ODETF Program documented the following:

- o Involvement of prosecutors early in the development of investigative strategies during the investigation of major drug trafficking organizations is critical.
- o ODETF investigations are generally long term activities, frequently involving years of work. The commitment of attorney resources to an ODETF investigation is generally much greater than any other type of federal investigation and prosecution, and
- o ODETF investigations are extraordinarily complex, time-consuming and generally produce very heavy sentences resulting in frequent appeals demanding prosecutor time.

The Caseload Study documented that the most successful and most productive ODETF cases were those in which the personnel ratio was less than 4.5 agents to each attorney.

The FY 1992 request is based on this ratio and if the request is not allowed, the following adverse conditions will result:

- o Investigations will be slowed, due to the unavailability of attorney time, resulting in an increasing backlog of unindicted cases;
- o Investigations will proceed to indictment with less participation by attorneys, resulting in cases that are less well prepared, with less desirable outcomes;
- o Investigators will lose their ability to respond promptly and appropriately to tactical and strategic demands, as attorneys are less able to provide needed services, adding to costs and reducing the effectiveness of investigations; or
- o all of these effects will present themselves, in combination, resulting in the outcome that Task Force prosecutions will not have an impact on reducing the supply and demand for drugs.

Benefits

The legislative intent of Congress to prosecute, to the full extent of the law, individuals distributing drugs will be achieved. Convictions will increase with the expectation that the defendants will be removed from society under the mandatory sentencing guidelines. Finally, drug dealers' assets will be seized and forfeited with a potential impact to be realized by all forces of the government, ultimately benefiting the American citizen.

Approval of the resources requested will enable the U.S. Attorneys to maintain an aggressive posture in the war against drugs, the federal precursor drug legislation will be exploited, the federal government's leadership role in the investigation and prosecution of organized crack cocaine organizations will be enhanced and investigations targeting the major suppliers, organizers, and distributors of other illicit drugs will be expanded.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Pos.	WT
Activity: Administrative Support											
Executive Office.....	13	12	\$1,223	13	13	\$1,311	13	13	\$1,311	...	...

This activity provides policy guidance, central coordination, and administrative support to the headquarters of the eleven member agencies and the thirteen regional task forces. The Executive Office has day to day responsibility for providing administrative support to the task forces and is responsible for financial management, records management, and maintenance of the Case Management System. This office serves as the first-echelon point of contact for the task forces when Washington intervention or assistance is required.

Long-Range Goal: To provide policy guidance, central coordination and administrative support to the thirteen regional drug task forces.

Major Objectives:

To perform as the support and monitoring body between the individual task force Coordinating Groups and the Office of the Deputy Attorney General.

To track and monitor task force cases and resources.

To perform budget analysis, program analysis and evaluation.

To prepare testimony and information for the Attorney General, the Deputy Attorney General, the Congress, the media, and others concerning Task Force issues.

To perform research in support of Task Force requirements.

To manage the State and Local Law Enforcement Overtime Fund, State and Local deputations and Federal officer cross-designation programs.

Base Program Description:

Although the administrative support tasks for the ODEFF Program have grown, the expansion to a large, Washington-based bureaucracy has been avoided. The thrust of the Task Force Program is to encourage more cooperation at the field-office level by marshaling the efforts of agency personnel within local districts and making the Core City United States Attorney responsible for the coordination of the Task Force. The Program is not designed to be administered centrally from Washington but rather, supported by the Washington based Executive Office.

The Executive Office for ODEFF provides policy guidance, central coordination, and administrative support to the headquarters of the eleven member agencies and the thirteen regional task forces. The Executive Office has day-to-day responsibility for providing administrative support to the Task Force and is responsible for financial management, records management, and maintenance of the Management Information System. This staff serves as the first-echelon point of contact for the task forces when Washington intervention or assistance is required.

This Office serves as the Executive Secretariat of the ODDEF Program and is a part of the Deputy Attorney General's office. The Director reports through an Associate Deputy Attorney General. Responsibilities include the following:

1. Scheduling and staffing the meetings of the Executive Review Board and the Washington Area Representatives Group;
2. Providing coordination of the legal and administrative services provided to the Task Forces by the Criminal Division, Executive Office for United States Attorneys, Justice Management Division, Tax Division, and the investigative agencies, etc.;
3. Collecting, analyzing and reporting on caseload and other statistical data for the Task Forces;
4. Producing periodic informational memoranda to keep the Executive Review Board, Washington Area Representatives Group and Task Force personnel apprised of events occurring throughout the program;
5. Producing reports for the Attorney General and United States Attorneys, the President and Congress, and other analyses as directed by the Deputy Attorney General;
6. Assisting the Core City United States Attorneys and the Coordination Groups in the management of the regions;
7. Managing and disbursing the state/local overtime fund;
8. Serving as the clearinghouse for all State and local deputations and being advised of all cross-designations in order to maintain a current master list of all cross-designated Federal Agents;
9. Developing the annual consolidated ODDEF budget, including any amendments, supplemental requests and reprogrammings, for consideration by the participating agencies, the Attorney General, the Office of Management and Budget, the Office of National Drug Control Policy, and the Congress; managing the budget, including reimbursing and monitoring agency expenditures;
10. Developing and coordinating training for ODDEF personnel in consultation with the WAA Group and, when appropriate, with the Task Force Coordination Groups; and
11. Coordinating all major press releases and press conferences with all appropriate field managers and Departmental Public Information Offices.

The Task Force administrative functions are conducted to the greatest extent possible through existing Departmental systems. This includes conducting training through the Attorney General's Advocacy Institute and the Quantico and Glynn Training Centers, providing legal advice through the various sections of the Criminal Division and other equivalent units, etc.

The Director of the Executive Office works with Departmental units and Task Force investigative agencies to ensure that needed seminars, conferences, and other training is provided in the following areas:

1. Task Force orientation and administrative procedures for managers of Task Force offices;
2. In-service training for Task Force attorneys and agents in such areas as financial investigations, forfeiture actions, and specialized drug investigative techniques;
3. Specialized training for new attorneys in narcotics prosecutions, CCE and RICO statutes, forfeiture actions, financial investigations, and related areas; and
4. Pre-service and in-service training for Task Force administrative staff.

In 1983 and 1984, the ODETF Program operated as a single appropriation reimbursing agencies for their involvement. Beginning in 1985, the resources were appropriated directly to the participating agencies. As a result of Section 1055 of the Anti-Drug Abuse Act of 1988, beginning in 1990 a consolidated appropriation was again established. The Attorney General in his budget submits a separate appropriations request for expenses relating to all Federal agencies participating in the Organized Crime Drug Enforcement Task Forces. Such appropriations are made to the Department of Justice's Interagency Law Enforcement Appropriation Account for the Attorney General to make reimbursements to the involved agencies as necessary.

The consolidated appropriation and reimbursement procedure provides the following benefits:

1. Provides for the flexibility of the Task Forces which is vital to success;
2. Permits Federal law enforcement resources to be shifted in response to changing patterns of organized criminal drug activities;
3. Permits the Attorney General to reallocate resources among the organizational components of the Task Forces and between regions without undue delay; and
4. Ensures that the Task Forces function as a unit, without the competition for resources among the participating agencies that would undermine the overall effort.

Accomplishments and Workload: The Executive Office, as the central repository of the case data, is able to provide the national focus necessary for the Deputy Attorney General to manage and assess the Task Force Program.

The Management Information System is designed to meet the management needs of the Deputy Attorney General, U.S. Attorneys, the Executive Review Board, the Mentor Agency Headquarters and the regional Task Forces. In addition, the information system provides the data necessary to evaluate Task Force program performance which is used in reports to the Attorney General, President, the Congress, and the public. The Case Monitoring System consists of three standard reports: the Investigation Initiation; the Indictment; and the Disposition Sentencing. Other monitoring reports include but are not limited to Investigations/Prosecution Status Reports and various activity reports.

In addition to comprehensive activities involved in the maintenance of the Management Information System, financial management requirements and other recurring administrative responsibilities, the Executive Office has performed the following activities:

1. Preparation of the annual report of the ODETF Program;
2. Design, coordination, and management of the Annual National Conferences;
3. Preparation of a five-year summary report;
4. Preparation of a six-year impact analysis report;
5. Modernization of data base from C-3 equipment to modern high speed digital software/hardware;
6. Performed site visits to all core cities regarding preparation of the Annual Reports, the five-year Summary Report and the six year impact analysis report;
7. Conducted site visits and inspections to numerous non-core districts;
8. Provided critical staff support and coordination in the preparation of speeches, presentations, and related activities required for all regional conferences, all Washington Agency Representatives meetings, and all Executive Review Board Meetings;
9. Attended and generally provided speeches at all regional conferences, advisory committee meetings, and national conferences;

10. Coordinated and processed all state/local federal agreements for cooperative investigations, and all overtime contracts and Depuration requests;
11. Served on numerous Committees and special projects; and
12. In accordance with required taskings from the Attorney General, Deputy Attorney General, member agencies, and the United States Attorneys, responded to all information requests and issue/problem resolution requirements, and prepared special analyses and performed liaison activities with affected agencies.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Financial Analysis - Program Changes
(Dollars in thousands)

Item	DNA			FBI			INA			USCA		
	Pos.	Amount		Pos.	Amount		Pos.	Amount		Pos.	Amount	
Grades												
GS/OH-14.....	90	94,134		111	95,130		11	6008				
GS/OH-13.....												
GS-12.....										24	9716	
GS-11.....												
GS-10.....												
GS-9.....				84	1,183							
GS-8.....												
GS-7.....												
GS-6.....	84	470										
GS-5.....												
GS-4.....										6	85	
Ungraded positions.....												
Total positions and annual rate.....	114	4,804		155	4,313		11	608		30	810	
Leave (-).....	(87)	(8,302)		(88)	(3,157)		(5)	(265)		(15)	(480)	
Other personnel compensation.....	38	1,117		13	1,315		2	81		3	100	
Special personnel services payments.....												
Total workyears and personnel compensation.....	79	3,117		90	4,171		8	314		18	510	
Personnel benefits.....		1,387			1,491						208	
Travel and transportation.....		203			688			48			160	
Transportation of persons.....		206			844							
Transportation of things.....		288			417			42			10	
OSA rent.....		3									80	
Rental payments to others.....		89			220			18			123	
Communications, utilities and miscellaneous charges.....		89										
Printing and reproduction.....		1,071			6,081			64			238	
Other services.....		513			217			16			80	
Supplies.....		4,843			4,069			332			1,085	
Equipment 1/.....												
Total program workyears and obligations changes requested, 1992.....	70	12,900		96	19,070		8	911		18	2,495	

Interagency Law Enforcement
Organized Crime Drug Enforcement
Financial Analysis - Prices Changes
(Dollars in thousands)

Item	Drug Law Enforcement		Prosecutions		Total ODE	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades						
GS/GM-15	10	8488	20	81,092	20	81,092
GS-15	80	777	80	777	80	777
GS-14	80	777	80	777	80	777
GS-13	80	777	80	777	80	777
GS-12	80	777	80	777	80	777
GS-11	80	777	80	777	80	777
GS-10	80	777	80	777	80	777
GS-9	80	777	80	777	80	777
GS-8	80	777	80	777	80	777
GS-7	80	777	80	777	80	777
GS-6	80	777	80	777	80	777
GS-5	80	777	80	777	80	777
GS-4	80	777	80	777	80	777
GS-3	80	777	80	777	80	777
GS-2	80	777	80	777	80	777
GS-1	80	777	80	777	80	777
Ungraded positions	76	4,884	76	4,884	76	4,884
Total positions and annual rate	10	8488	20	81,092	20	81,092
Leave (1/2)	80	777	80	777	80	777
Other personnel compensation	80	777	80	777	80	777
Special personnel services payments	80	777	80	777	80	777
Travel and transportation of personnel	80	777	80	777	80	777
Personnel benefits	80	777	80	777	80	777
Travel and transportation of persons	80	777	80	777	80	777
Transportation of things	80	777	80	777	80	777
Meals	80	777	80	777	80	777
Meals payments to others	80	777	80	777	80	777
Communications, utilities and	80	777	80	777	80	777
Miscellaneous charges	80	777	80	777	80	777
Printing and reproduction	80	777	80	777	80	777
Other services (1/2)	80	777	80	777	80	777
Supplies and materials	80	777	80	777	80	777
Equipment (1/2)	80	777	80	777	80	777
Total program workrate and obligations change requested, 1982	7	1,099	7	8,787	7	8,787
					357	83,609

1/Includes modular-related items for new positions such as: relocation expenses; full-field investigations; purchase of evidence; payments for information (PPI); training; office automation/computer workstations; technical investigative equipment; radios; vehicles; office furniture; firearms/body armor, etc.

2/In order to ensure consistency of approach within the DEUETS appropriation, all participating member program subcommittees have been asked to follow the same approach. Department of Treasury elements would normally reflect minimal impact in conference with established internal funding procedures.

3/Upper volume includes Administrative Support (including overtime work and personnel benefits). The total appropriation for 1983 are \$19,054,000 (11.1); \$11,685,000; 11.5; \$1,412,000; and 12.0; \$5,647,000.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Priority Rankings

<u>Base Program</u>		<u>Program Increase</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Drug Law Enforcement	1	Drug Law Enforcement	1
Prosecutions	2	Prosecutions	2
Administrative Support	3		

Interagency Law Enforcement

Organized Crime Drug Enforcement

Detail of Permanent Positions by Category

Fiscal Years 1990 - 1992

Organization: ODCuff (Total)

Category	1990 Authorized	1991 Authorized	1992	
			Program Increase	Total
Attorneys (905).....	387	538	76	614
Paralegal Specialists (950).....	0	45	27	72
Investigative Assistants (1802).....	9	11	0	11
Criminal Investigative series (1811).....	1,570	2,238	331	2,569
Other Miscellaneous Occupations (001-199).....	0	11	0	11
Social Science Economics and Kindred (100-199).....	35	35	0	35
Gen. Admin. Clerical and Officer Services (300-399)....	811	1,144	152	1,296
Accounting and Budget (500-599).....	3	6	0	6
Total.....	2,918	4,028	586	4,614
Washington.....	35	52	0	52
U.S. Field.....	2,882	3,976	586	4,562
Foreign Field.....	0	0	0	0
Total.....	2,918	4,028	586	4,614

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Change
(Dollars in thousands)

	Perm. Pay	Work- Year	Amount
Department of Justice Appropriations Act, 1991.....	3,982	3,520	\$328,000
Treasury, Postal Service and General Government Appropriations Act, 1991.....	68	90	6,211
1991 as enacted.....	4,028	3,610	\$334,211
Adjustments to base:			
Increases:			
Mandatory increases:			
One additional compensable day.....	...	...	\$1,035
1991 pay annualization.....	...	...	1,645
1992 pay raise.....	...	...	6,731
Administrative salary increases.....	...	...	1,064
Annualization of 1991 positions.....	362	362	21,206
Special pay rates.....	...	...	54
Federal Law Enforcement Pay Reform Act of 1990.....	...	...	3,466
General Pay Reform costs.....	...	...	230
Health benefits.....	...	...	990
Federal Employees Retirement System (FERS).....	...	...	977
Social Security Office (SSO) and Department of Justice printing.....	...	...	177
Government Printing Office (GPO) and Department of Justice printing.....	...	...	20
Financial Operations and Systems Service (FOS).....	...	...	1
Security Investigations.....	...	...	3
Total, mandatory increases.....	362	362	37,575
Decreases:			
Unemployment compensation redistribution.....	...	...	-5
Nonrecurring pay cost adjustment.....	...	...	-2,092
Nonrecurring costs of equipment for new positions approved in 1991.....	...	...	-9,685
Nonrecurring costs of vehicles approved in 1991.....	...	...	-3,480
Nonrecurring costs of radios for vehicles approved in 1991.....	...	...	-2,858
Nonrecurring costs of full field investigations.....	...	...	-1,382
Nonrecurring costs of full field investigations.....	...	...	-1,382
Nonrecurring costs of full field investigations.....	...	...	-3,932
Nonrecurring costs of transfers for new positions approved in 1991.....	...	...	-26,142
Total, decreases.....	...	...	-40,374
1992 Base.....	4,028	3,972	346,374
Program changes:			
Drug Law Enforcement.....	433	217	45,264
Enforcement.....	153	76	8,336
Administrative Support.....	...	...	-211
Total, program changes.....	586	293	53,609
1992 Budget.....	4,614	4,265	\$401,924

Interagency Law Enforcement
Organized Crime Drug Enforcement
Justification of Adjustments to Base
(Dollars in thousands)

	<u>VT</u>	<u>Amount</u>
Mandatory Increases:		
1. One additional compensable day.....	...	\$1,035
<p>The annual salary rate for federal employees is based on 260 paid days. 1992 has one more compensable day (262) than 1991 (261). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$610,000 for pay and \$625,000 for benefits.</p>		
2. 1991 pay annualization.....	...	1,645
<p>This pay annualization represents only first quarter amounts (October through December) of the 1991 proposed 4.1 percent pay increase effective in January of 1991 plus appropriate personnel benefits (\$1,233,000 for pay and \$412,000 for benefits).</p>		
3. 1992 pay raise	6,731
<p>This request provides for the proposed 4.2 percent pay raise to be effective in January of 1992. The amount requested, \$6,731,000, represents the pay amounts for three quarters of the fiscal year plus appropriate benefits (\$5,294,000 for pay and \$1,437,000 for benefits = \$6,731,000).</p>		
4. Administrative salary increases.....	...	\$1,064

This request provides for an expected annual pay adjustment of administratively determined salaries for the U.S. Attorneys occupying ungraded positions in the U.S. Attorneys Offices and assigned to the Organized Crime Drug Enforcement account. (\$952,000 for pay and \$212,000 for benefits = \$1,064,000).

1363

AP Amount
362 \$21,206

5. Annualization of 1991 positions.....
This provides for the annualization of 1,044 additional positions approved in 1991 for participating agencies in the Organized Crime Drug Enforcement account.

	Approved 1991 Increase	Annualization Required
Annual salary rate of 1,044 approved positions.....	\$43,155,000	
Less lapse	-16,312,000	\$16,312,000
Other personal compensation (AUC).....	8,690,000	
Net compensation.....	35,533,000	
Associated employee benefits.....	11,559,000	4,894,000
Total costs subject to annualization.....	47,092,000	21,206,000

6. Special pay rates..... 54

This request provides increases as authorized by law in 5 U.S.C. §303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. However, this request represents new special rates for only 10 recently authorized special rates and extends grade coverage for 5 existing authorized special rates.

7. Federal Law Enforcement Pay Reform Act of 1990..... \$3,464

This request includes \$3,464,000 to implement the Federal Law Enforcement Pay Reform Act of 1990. It includes full-year funding for law enforcement personnel in the Drug Enforcement Administration, the Federal Bureau of Investigation and the Immigration and Naturalization Service for the following provisions of the Act: entry level and geographic pay and benefits provisions; and overtime and premium pay provisions. No increases are requested for support positions. Increases required for law enforcement personnel in the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, and the U.S. Customs Service are included in the direct appropriation for these agencies and have not been included.

VI Amount
\$230

8. General pay reform costs.....

The request for costs covered by the Federal Employees Pay Comparability Act of 1990 established essential Departmental cost requirements for this new government-wide pay system, which attempts to achieve full pay parity between Federal and non-Federal employees on a geographic basis. This increase allows \$230,000 for fifty percent of the Department's request for two provisions contained under this Act: staffing differential costs for GS-5, 7, 9, occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide adjustments for new positions, appropriate benefits, vacancy rates and cost-of-living increases. No increases are requested for discretionary allowances. The remaining unfunded fifty percent for this initiative will be required to be absorbed.

... 990

9. Health benefits.....

The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be sixty percent of the total rate commencing in 1975. Effective the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 16 percent due primarily to changes in enrollment plan since several plans are no longer available. The requested increase of \$990,000 provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year.

... 977

10. Federal Employees Retirement System (FERS).....

This request provides for the additional costs in 1992 necessary to continue the implementation of the Federal Employees Retirement System Act of 1986, P.L. 99-335. This act established a retirement program for Federal civilian employees and Postal workers hired after December 31, 1983 who are covered by Social Security and for employees under the Civil Service Retirement System who elected to transfer to this system. This increased requirement of \$977,000 for 1992 is based on actual agency payments in 1990 for the basic FERS annuity, Social Security and Thrift Savings Plans.

	<u>MY</u>	<u>Amount</u>
11. Travel: mileage.....	...	\$147
<p>The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$147,000 for this change in allowance.</p>		
12. Government Printing Office (GPO) and Department printing.....	...	\$28
<p>GPO is currently projecting a six-percent increase over 1991 printing costs. An additional \$28,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.</p>		
13. Financial Operations and Systems Service (FOS).....	...	1
<p>This request provides for the additional costs in 1992 for FOS and the Department's Financial Management Information System (FMIS) processing charges. A 7.5 percent increase is required for these charges. For 1991, no mandatory increase was requested. Personnel, benefits, space, printing and data processing rates have all increased over time. In addition, a redistribution of budget authority, based on actual costs, is necessary. The requested redistribution amount is \$1,000.</p>		
14. Security Investigations.....	...	3
<p>The Office of Personnel Management (OPM) has notified users of an 8 percent increase in the standard rate charged for each full-field investigation over the 1991 base cost of \$2,300. The mandatory increase is calculated on the separation rate for 1991 (based on 1990 actuals) for a total increase of \$3,000.</p>		
Total mandatory increases.....	362	37,575

<u>Decreases (Automatic non-policy)</u>	<u>VF</u>	<u>Amount</u>
1. Federal Employees Compensation Act (FECA) - Unemployment Compensation.....	...	-\$5
This decrease reflects billings provided by the Department of Labor for the actual costs in 1990 of employees' unemployment compensation. The 1992 amount represents a decrease of \$5,000 from the 1991 base.		
2. Nonrecurring pay costs adjustment.....	...	-2,092
This decrease represents the portion of the funds transferred from the Special Forfeiture Fund in 1991 associated with regular pay costs for law enforcement officers.		
3. Nonrecurring costs of equipment for new positions approved in 1991.....	...	-9,685
This decrease represents the first-year costs of operating equipment (\$3,806,000), technical equipment (\$2,172,000) and automated data processing and office automation equipment (\$3,707,000) associated with the 1,044 new positions approved in 1991.		
4. Nonrecurring costs of vehicles approved in 1991.....	...	-3,480
This decrease represents the cost of 262 vehicles for new field agents approved in 1991 for the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Immigration and Naturalization Service.		
5. Nonrecurring costs of radios for vehicles approved in 1991.....	...	-\$2,858
This decrease represents the cost of radios for the 262 new vehicles approved in 1991 for the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Immigration and Naturalization Service.		

1367

	<u>LY</u>	<u>Amount</u>
6. Nonrecurring costs of full field investigations.....	..	-1,172
This decrease represents the costs of full field investigations for new positions approved in 1991 for the Drug Enforcement Administration, the Immigration and Naturalization Service, and the United States Attorneys.		
7. Nonrecurring costs of training for new positions approved in 1991.....	...	-898
This decrease represents the cost of training for new field agents approved in 1991 for the Drug Enforcement Administration.		
8. Nonrecurring costs of transfers for new positions approved in 1991.....	...	-3,952
This decrease represents the change of duty and relocation costs for new positions approved in 1991 for the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the United States Attorneys.		
Total decreases.....		<u>-24,162</u>
Total, adjustments to base.....	<u>362</u>	<u>13,433</u>

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary ranges								
Executive Level III, \$115,300	0	0	0	0	0	0	0	0
Executive Level IV, \$104,300	0	0	0	0	0	0	0	0
FS-4, \$100,500	0	0	0	0	0	0	0	0
GS-15, \$100,500	0	0	0	0	0	0	0	0
GS-16, \$102,298	0	0	0	0	0	0	0	0
GS/CM-15, \$81,641-80,138	12	13	13	13	13	13	0	0
GS/CM-14, \$52,406-58,129	69	1,139	94	1,663	1,663	524	20	324
GS/CM-13, \$46,446-51,650	755	6,811	1,139	10,283	1,663	9,472	524	4,666
GS-11, \$37,264-40,448	199	204	204	204	228	24	24	(24)
GS-10, \$28,322-36,818	30	43	43	43	43	0	0	0
GS-9, \$25,717-33,430	130	142	142	140	140	(2)	121	121
GS-8, \$21,845-28,565	406	487	487	541	541	54	54	54
GS-7, \$21,023-27,332	406	487	487	541	541	54	54	54
GS-6, \$18,919-24,598	136	347	347	470	470	123	123	123
GS-5, \$16,973-22,067	202	231	231	211	211	(20)	20	(20)
GS-4, \$13,115-17,548	81	62	62	68	68	6	6	6
GS-3, \$13,515-17,548	0	0	0	0	0	0	0	0
GS-2, \$12,365-15,580	0	0	0	0	0	0	0	0
Ungraded positions	381	532	532	608	608	76	76	76
1992 pay increase	0	0	0	\$7,058	0	\$7,058	0	\$7,058
Total, appropriated positions	2,918	\$117,542	4,028	\$171,052	4,614	\$203,409	586	\$30,357
Pay above stated annual rates	0	0	0	435	0	610	0	175
Leaves	(208)	(7,010)	(418)	(16,910)	(149)	(12,557)	(691)	(4,353)
Savings due to lower pay scales for part of year	0	0	0	(981)	0	(1,764)	0	(183)
Net full time permanent	2,710	110,532	3,610	153,596	4,265	187,698	655	\$34,102
Other than full time permanent	-13	816	0	59	0	59	0	0
Other personnel compensation								
Overtime	7	379	28	965	29	3,029	1	64
Administrative Uncontrollable	433	8,982	523	21,522	595	25,857	72	4,335
Other compensation	10	289	14	3,012	14	1,035	0	23
Special personal services payments	0	1,350	0	2,363	0	2,441	0	78
Total, workyears and personnel compensation	3,171	122,499	4,175	179,517	4,901	218,119	728	\$18,802
Average GS/CM Salary		(836,522)		(838,584)		(819,932)		
Average Ungraded Salary		(665,317)		(667,973)		(667,768)		

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1990 Actual Workyears	1991 Estimate		1992 Estimate		Increase/Decrease	
		Amount	Workyears	Amount	Workyears	Amount	Workyears
11.1 Full-time permanent.....	2,710	\$110,532	3,610	\$153,596	4,265	\$187,498	655
11.3 Other than full-time permanent.....	150	9,601	565	23,498	638	27,921	73
11.5 Other personnel compensation.....	0	1,350	0	2,363	0	2,141	0
11.8 Special personnel services.....	0	0	0	0	0	0	0
Total personnel and personnel compensation.....	3,173	122,299	4,175	179,517	4,903	218,119	728
21 Personnel benefits.....	0	36,767	0	44,778	0	57,517	0
22 Transportation.....	0	11,454	0	14,257	0	16,691	0
22.1 USA rent.....	0	2,425	0	3,303	0	2,706	0
22.2 Rental.....	0	11,519	0	18,962	0	20,453	0
22.3 Communication, utilities and miscellaneous charges.....	0	4,643	0	9,146	0	10,323	0
24 Printing and reproduction.....	0	124	0	321	0	510	0
25 Other services.....	0	16,012	0	31,172	0	39,327	0
26 Supplies.....	0	1,114	0	1,114	0	1,114	0
31 Equipment.....	0	3,419	0	26,148	0	28,078	0
32 Land and structures.....	0	0	0	0	0	0	0
Total obligations.....	0	214,321	0	334,241	0	401,974	0
Relation of obligations to outlays							
Obligated balance, start of year.....	69			105,708		123,588	
Obligated balance, end of year.....	0			(155,878)		(155,878)	
Adjustment in capital accounts.....	0			0		0	
Outlays.....	0	109,289	0	317,064	0	169,881	0

Mr. EARLY. Testifying on behalf of the Justice Department is associate Deputy Attorney General George Terwilliger. Welcome back.

We will place your written statement into the record and ask that you proceed with your statement.

OPENING REMARKS

Mr. TERWILLIGER. Thank you, sir. I am pleased to join the Committee again this afternoon, Mr. Chairman. I would like to introduce my associate with me at the table, Frederick W. Kramer, the Director of the Organized Crime Enforcement Task Force—OCDETF—Executive Office which serves as the secretariat and coordinating office for all 11 of the participating Federal agencies in the Program.

Mr. Kramer has been in that position since 1984 and joined the Deputy's Office staff with the reorganization last year and was my subordinate in the Deputy Attorney General's Office.

I am here to support what the Administration considers to be one of the most successful Federal law enforcement programs at work today, the Organized Crime Drug Enforcement Task Force program. I would like to take this opportunity to express our appreciation for the support Congress and this Subcommittee have provided to the program in the past.

For the years 1985 to 1989, resources for the OCDE task forces were appropriated directly to the 11 participating agencies. Pursuant to Section 1055 of the Anti-Drug Abuse Act of 1988, Congress appropriated task force resources directly to an OCDE appropriation, and beginning in 1990, OCDE resources were provided to the 11 agencies from this appropriation through a reimbursable arrangement.

BACKGROUND

This program draws on the investigative and prosecutorial resources of its member agencies. Its aim is to disrupt and dismantle significant drug trafficking organizations and to deprive them of their assets through forfeiture to the government.

The 13 task forces across the country target highly complex criminal organizations that operate across judicial boundaries, use a variety of criminal techniques and protect their ill-begotten gains through sophisticated arrangements. Through their participation in the OCDETF program, State and local law enforcement agencies gain access to a larger intelligence base and increased crime-fighting skills and parities. OCDETF is by definition multi-agency.

State and local law enforcement agencies bring their skill to bear as warranted by the circumstances of the investigation. Because of a highly organized complex nature of drug oriented criminal enterprises, the scope of these cases often goes beyond traditional jurisdictional boundaries.

Approximately 80 percent of all task force cases involve more than one Federal judicial district and over one-third of the cases are international in scope. In all OCDETF investigations, the financial aspects of the case are explored with the same fervor as the drug trafficking violations.

ACCOMPLISHMENTS

From late 1982 through the end of 1989, the task forces have initiated over 2,800 investigations resulting in over 7,000 indictments, charged 11,899 top, middle level leaders and major suppliers and charged over 1,000 persons with continuing criminal enterprise violations, which is the drug king pin statute, and another 1200 with violations under the Racketeer Influence and Corrupt Organizations statute.

The task forces have seized cash and property totaling \$1.5 billion. 14,000 defendants during the period 1982 through 1989 were found or pled guilty to at least one charge and 11,635 of these actually received prison time, many imprisoned for life.

The task force results reflect the success of the targeting strategy of reaching above the retail and middleman level of the drug trade. Most of the charges brought in OCDETF indictments have been against the leaders, lenders, launderers and major suppliers of multi-district national and international criminal organizations. 84.1 percent of all sentenced defendants in OCDETF cases actually serve time.

The 1,700 top leaders drew an average prison sentence of 14 years. The middle leaders drew an average sentence of seven years and the 2,599 major suppliers convicted received an average sentence of 6.8 years.

In 1990, to bring us up to date, 634 new cases were initiated, over 1,500 indictments involving over 5,000 individuals were brought, 2,200 convictions were obtained and seizures totaled \$432 million.

ADMINISTRATION OF HIGH INTENSITY DRUG TRAFFICKING AREA

Reflecting the OCDETF program's highly successful performance, administration of the Department of Justice portion of the High Intensity Drug Trafficking Area program has been placed under the auspices of the OCDETF executive offices.

In conjunction with this initiative, we are also focusing on drug-related violent crimes as part of the Department's continuing emphasis on dealing with violence in our cities. Core city United States Attorneys, the regional leaders of the OCDETF program, have expanded their efforts to address criminal violence.

1992 REQUEST

In 1992, we are requesting for the program 4,614 reimbursable positions, 4,265 reimbursable work years and \$402 million. This includes resources for drug law enforcement, prosecution and administrative support for the 11 member agencies.

This request includes an increase of \$67 million over the 1991 enacted appropriations of \$334.9 million. A 20 percent increase in funds for the next fiscal year will provide more agents for the investigation of major internationally based cases, increased focus on investigations involving significant regional groups, more investigators for undercover operations, more agents to track aliens involved in drug trafficking, additional personnel to work on money laundering and financial crimes that go hand-in-hand with drug activities, and additional funding to attack violent gangs and for narcotic-related firearms investigations, and finally, more attorneys to

prosecute those caught by task force activities and a commensurate increase in State and local support.

Included within the \$67 million increase are net mandatory adjustments of \$13.4 million and program increases totaling \$53.6 million, which will fund 586 positions and 293 work years.

These resources, Mr. Chairman, will be shared among the OCDETF's participating agencies and will provide 331 additional agents and 76 attorneys to focus on the most complex of the cases. A significant aspect of our OCDETF program for 1992 is the expansion of OCDETF resources into smaller cities and rural areas.

RURAL DRUG TRAFFICKING INITIATIVE

In the past, the United States Attorneys and others have advised that additional Federal investigative resources are required outside the major metropolitan areas within the OCDETF context. We recognize that the drug organizations extend from our major cities into the smaller communities.

By attacking these organizations, wherever they operate, we will have a comprehensive program utilizing information obtained in the smaller cities to reach back into the heart of these organizations in the major metropolitan areas.

I will dispense with reciting the requested program increases for the several components and close by noting that the ongoing threats of international drug trafficking, as I know the Chair and the Committee recognize, simply cannot be minimized.

Many difficult battles still lie ahead for us. Yet, the OCDETF program approach has produced the best results of any concerted effort to date. The evidence is persuasive that use of this model and its strategy can in fact undermine, damage and destroy major drug trafficking organizations.

I would finally like to assure you, Mr. Chairman, that the Attorney General along with the Secretaries of Treasury and Transportation stand fully behind the program and look forward to assisting the agency heads in effectively expending the resources we have to maximize the accomplishment of the program.

We will be pleased to answer any questions that the chairman of the Committee may have.

[The statement of Mr. Terwilliger follows:]

DEPARTMENT OF JUSTICE
ORGANIZED CRIME DRUG ENFORCEMENT

STATEMENT OF THE
ASSOCIATE DEPUTY ATTORNEY GENERAL
GEORGE J. TERWILLIGER, III
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am very pleased to be here today to testify before you in support of what the Administration considers to be the country's most successful Federal/State and local law enforcement program today --- the Organized Crime Drug Enforcement (OCDE) Task Force Program. I would like to take this opportunity to express our appreciation for the support Congress has provided in the past.

Before beginning, I would like to introduce my associates.

Mr. Frederick W. Kramer is the Director of the OCDETF Executive Office which serves as the secretariat and coordinating office for all eleven of the participating OCDETF agencies.

Mr. Kramer has been in that position since 1984. Mr. Lyle Newton is the Deputy Director of the Executive Office and has been involved with the Program since 1983. Both of these gentlemen have a comprehensive institutional knowledge of the OCDETF Program. In addition, I have with me, Mr. Gene Hausler, Assistant Director for Financial Management and Mr. John Gnorski, Financial Manager for the Program who have been instrumental in the development of the proposal before you today.

For the years 1985 - 1989, resources for the Organized Crime Drug Enforcement (OCDE) Task Forces were appropriated directly to

the eleven participating agencies. Beginning in 1990, Congress appropriated Task Force resources directly to an OCDE appropriation. OCDE resources are now provided to the eleven agencies from this appropriation through a reimbursable arrangement. For 1992, the Administration is requesting a total of \$401,974,000, which will fund 4,614 reimbursable positions and 4,265 reimbursable workyears. This request represents a program increase of \$53,600,000, which will fund 586 reimbursable positions and 293 reimbursable workyears, over the 1992 base. A significant aspect of the Program for 1992 is the expansion of resources into smaller cities and rural areas. Before going into the details of our request, I would like to take a few minutes to provide you with some background regarding the OCDE Task Force Program approach and to describe the nature of the Program.

BACKGROUND

The OCDETF Program began in response to an increasingly serious problem. For 20 years prior to the Program's creation, Federal agencies and Task Forces experimented with a variety of approaches to combatting drug trafficking. It became increasingly apparent that the attack on drug-related crime could not be confined by city lines, state boundaries, or international borders. Those involved in the fight against drug-related crime became aware that the "drug trafficking problem" involved a web of organized crime groups whose top leaders were often insulated from the day-to-day activities of their organizations.

Full scale teamwork, involving many Federal agencies teamed with State and local law enforcement and prosecutorial agencies with unique skills, was needed to implement a comprehensive strategy for dealing with the crisis. In 1982, the OCDE Task Force Program was initiated to mount a comprehensive attack against organized crime and drug traffickers. In its first eight years of operation, the OCDE Task Force Program has been an effective and powerful force to combat drug trafficking.

TASK FORCE STRUCTURE

Today the OCDE Task Force Program constitutes a nationwide structure of thirteen regional task forces that takes advantage of the combined resources and expertise of its eleven member Federal agencies, in cooperation with State and local investigators and prosecutors, to target and destroy major narcotics trafficking and money laundering organizations. The following are the thirteen Task Force regions: Florida/Caribbean; Great Lakes; Gulf Coast; Los Angeles/Nevada; Mid-Atlantic; Mountain; New England; New York/New Jersey; North Central; Northwest; South Central; Southeast; and the Southwest Border.

Each region has a Task Force Advisory Committee, the region's policy group, composed of all of the region's United States Attorneys as well as senior representatives of the investigative agencies throughout the region.

The Task Force Coordination Group, composed of an Assistant United States Attorney (AUSA) and senior investigators from

participating Federal, State, and local agencies, is central to the operation of each of thirteen Task Forces. The Coordination Group serves all districts within a Task Force. It is by decision of this body that cases throughout the region are selected; it is in response to their judgment that investigative and prosecutorial assets are allocated among cases; and it is through their activities that interagency, inter-district, and inter-regional cooperation is obtained and coordinated.

The final level of oversight is the Executive Review Board (ERB). Unlike the Coordination Group and Advisory Committees based in each region, the ERB is located in Washington and is composed of the head of each Federal agency or his designate and is chaired by the Deputy Attorney General. The ERB provides national oversight by articulating policy, reviewing the allocation of resources, and recommending resolution of outstanding issues that cannot be settled in the field. The Washington Agency Representatives Group (WARG), comprised of high-level section managers from each participating agency, provides problem resolution research for the Board. A small Executive Office provides policy guidance, central coordination, and administrative support. This staff is responsible for financial management, records management, and maintenance of the Case Management System. The Executive Office serves as the first-echelon point when Washington intervention or assistance is required.

PARTICIPATING FEDERAL AGENCIES

A multi-faceted attack on highly sophisticated drug cartels requires unique capabilities combined into a comprehensive and orchestrated investigation and prosecution beyond the capacity of a single organization. Each of the Federal agencies participating in the Program brings its own special skills and methods to the effort.

For example, the Drug Enforcement Administration, the only Federal agency that has narcotics law enforcement as its sole responsibility, brings its knowledge of national and international drug distribution networks and its close working relationships with State and local authorities, making DEA essential to every task force. Similarly, the Federal Bureau of Investigation offers its experience in the investigation of traditional organized crime and financial crimes, as well as its proven ability to gather and analyze intelligence data and deploy and manage sophisticated physical and electronic surveillances in the OCDE Task Force Program. The Immigration and Naturalization Service's authority to parole individuals into the United States and its expertise in the investigation and deportation of illegal aliens has strengthened the ability of the Task Forces to prosecute and remove criminal aliens from the United States. The United States Marshals Service, in concert with participating Federal and local law enforcement agencies provides expertise and support services in a variety of fields including but not limited to Witness Security, Domestic and International Fugitive Investigations, Judicial

Security, and Asset Seizure and Disposal Management, all of which have been invaluable in OCDETF cases.

Agencies outside the Department of Justice have proven just as important to the success of the OCDETF effort. The United States Coast Guard has served as maritime experts for the Task Forces, providing valuable intelligence and guidance on cases with maritime connections and implications. The Bureau of Alcohol, Tobacco and Firearms expertise in firearms, explosives and arson has made it a well-suited partner to other agencies participating in the war against illegal drugs. As the Task Forces primary financial expert, the Internal Revenue Service often provides the only viable means of attacking drug traffickers. Their expertise in financial investigations traces the proceeds of illicit narcotics trafficking. The United States Customs Service provides investigative expertise in attacking drug smuggling organizations in the border context. Customs also seeks to destroy drug trafficking organizations by seizing their proceeds through international money laundering investigations. The Treasury Department utilizes data collected under the Bank Secrecy Act to identify and refer money laundering cases for OCDETF investigation.

Investigative work is supported through prosecution advice provided by the United States Attorneys, and the Department's Tax and Criminal Divisions. Early attorney involvement in the development of case strategy is a major factor in the success of the Program.

STATE AND LOCAL PARTICIPATION

From the Program's inception, State and local law enforcement agencies have worked closely with the Task Forces.

Several elements of the OCDE Task Force Program facilitate State and local participation. Approximately \$3.5 million was provided to State and local jurisdictions in 1990 for overtime and expenses incurred by their personnel participating in task force cases. For 1991, \$5.0 million will be available to assist State and local agencies.

State and local participation is further facilitated by the deputation of State and local law enforcement officials when appropriate. Deputation provides non-Federal agencies with the capacity to extend investigations outside their normal jurisdictions, thus emphasizing the joint role that Federal, State and local officials must play in combatting the drug problem. Under this arrangement, it is possible for a local police officer from Denver to legally participate in a drug investigation in California. Similarly, cross designation of attorneys makes it possible for Federal attorneys to participate in State court prosecutions or for State attorneys to participate in a Federal prosecution.

Perhaps one of the most advantageous benefits of the OCDE Task Force Program to State and local agencies is the resources they obtain through the asset forfeiture provisions made available since passage of the Comprehensive Crime Control Act of 1984. Sharing of forfeited assets with our non-Federal partners provides a bonus

to participating State and local agencies in the form of vehicles, aircraft, boats, weapons, and cash. Since its inception in mid-1985, the Equitable Sharing Program has expanded rapidly. Through the Program, the Department of Justice has distributed \$541.6 million to State and local agencies in property and cash. In 1990, \$176.8 million was shared in forfeited property and cash with State and local law enforcement agencies. In 1991, \$200.0 million is expected to be shared with payments rising to \$205.0 million in 1992. Additionally, the United States Customs Service has shared \$90.1 million with State and local agencies since its inception of the Customs Equitable Sharing Program. This includes \$33.6 million in 1990. Customs expects to share \$80.0 million in 1991 and \$85.0 million in 1992. A significant portion of these shared resources were obtained through the efforts of the OCDE Task Force Program.

NATURE OF THE ENEMY

Today's drug trafficking organizations cannot be characterized by any one organizational or operational model. Rather, they must be seen as sharing certain characteristics which are related to the nature of their unifying purpose: the production, distribution, and sale of illicit drugs.

The large organizations, which have national or international scopes of operation, have developed sophisticated mechanisms for protecting their leaders, laundering their profits, assuring the availability of alternate supply lines, and developing protected networks of outlets for their products. Smaller, often newer, drug

trafficking organizations are sometimes less sophisticated but are engaged in the same patterns of development.

Among the most violent and sophisticated criminal drug cartels operating in the United States are those with a seemingly impregnable base in Colombia. These cartels are vertically integrated organizations engaged in the production, processing, smuggling, distribution, and sale of cocaine and other dangerous drugs in the United States.

La Cosa Nostra (LCN) has streamlined its operations to adapt itself to the changing drug trafficking environment. LCN has entered into distribution and marketing arrangements with the Sicilian Mafia and with newer groups such as the Colombian cartels. On both coasts, Asian organized crime groups have become major players in the American drug trafficking scene. These groups have ties to established organizations in Asia, and their growth has been facilitated by the increase in Asian immigration into the United States. Economic and political pressures are leading many Hong Kong drug operations to funnel money and resources into the United States in an attempt to provide an alternative base to Hong Kong, in the light of that colony's uncertain future.

Overlaying the drive toward increased organizational and operational sophistication is an equally omnipresent tendency to use force and intimidation to achieve objectives.

Newer and even more violent groups operating under the rubric "Jamaican posses" have established a firm foothold in the United States and are expanding their operations. They specialize in

cocaine, especially crack, the distribution of which is the focus of turf wars between Jamaican groups and between Jamaicans and other established trafficking organizations.

Outlaw motorcycle groups have evolved into nationwide distribution and retail sales organizations whose activities also include the processing and manufacture of such dangerous drugs as methamphetamine. These groups are "motorcycle gangs" in origin but have become business organizations with sophisticated internal hierarchies and networks of distribution.

California street gangs have grown to become more structured and have expanded from their historic geographic base to deal in a variety of new locations across the nation.

Smaller domestically based organizations ranging from informal urban networks to upscale groups of former college associates to rural family-based organizations descended from moonshiners are bringing organized drug trafficking to segments of our society which have hitherto been relatively isolated from the drug trafficking scene.

These developments, among many diverse drug trafficking organizations, create a disturbing pattern. These organizations are broadening and deepening their penetration of U.S. society. At each level of activity there is evidence of more sophisticated organizational structures; more sophisticated use of technology, more sophisticated development of methods for protection of the leaders of the organizations; and, in many cases, more violent confrontations between competing groups.

ACCOMPLISHMENTS

The OCDETF Program strategy has been able to immobilize drug trafficking and money laundering organizations by prosecuting and incarcerating organization members or, where appropriate, extraditing or deporting them and by divesting them of their power through forfeiture of organizational and individual assets. The OCDETF Program has attacked organized drug trafficking from the top, instituting in-depth investigations leading to the prosecution and conviction of the highest level drug traffickers. The Program's eleven member agencies, acting in concert with numerous State and local agencies, have disabled major drug trafficking organizations by removing the key individuals who provided these organizations with leadership, capital, and expertise.

The OCDETF Program's synchronization of multiple investigations against common target organizations; its effective use of attorneys at the early stages of investigations; its use of financial investigations to reach otherwise invulnerable targets; and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions have demonstrated the efficacy of OCDETF's operational model.

In the years since its creation, OCDETF has established itself as the "flag ship" of the Federal drug enforcement effort. The National Drug Control Strategy recognizes the success of the OCDETF model and continues to reaffirm its role in directing thorough, imaginative, and wide-ranging assaults on the movements and activities of drug dealers. It also provides one of the crucial

links between Federal and State authorities, thereby enhancing the exchange of information and enforcement strategies.

It has become apparent that the most promising strategy for combating major illicit drug traffickers is that of the OCDETF Program. From its inception late in 1982 through the end of FY 1989, the Task Forces:

- initiated 2,886 investigations, resulting in 7,045 indictments and criminal informations;
- charged over 11,899 top and mid-level leaders and major suppliers;
- charged 1,071 persons with Continuing Criminal Enterprise (CCE) violations and 1,195 individuals with Racketeer Influenced and Corrupt Organizations (RICO) violations; and
- seized cash and property assets totaling \$1.5 billion.

During this period, 14,271 individual defendants were found, or pled, guilty to at least one charge. 11,635 of these were handed prison sentences, with many imprisoned for life.

OCDE Task Force results have reflected the success of the OCDETF's targeting strategy: reaching above the retail and "middleman" levels of the drug trade. Most of the charges brought in OCDETF indictments have been against leaders, lenders, launderers, and major suppliers of multi-district, national, and international criminal organizations.

In 1989, approximately 80 percent of the criminal organizations targeted were spread beyond a single judicial

district. About one-third of the targeted organizations had links to international interests and assets.

Illustrative of OCDETF's success is that 84.1 percent of all sentenced defendants serve time. The 1,730 top leaders confined drew an average prison sentence of 14.0 years. The 1,939 mid-level leaders confined drew an average sentence of 7.0 years and 2,599 major suppliers received an average sentence of 6.8 years.

Results of Task Force investigations continued to be successful in 1990, when 634 investigations were initiated, 1,526 indictments involving 5,010 individuals were brought, 2,206 convictions were obtained and seizures of cash and property totaling \$432 million were obtained.

MANAGEMENT IMPROVEMENTS

Nineteen ninety was a year of refinement for the Task Force Program. Major initiatives begun during 1989 were continued in the administration of the Program for the purpose of producing a more efficient and streamlined operation of the Task Forces both at the headquarters level and in the field. These initiatives, including the establishment of a comprehensive consolidated budget process and the implementation of findings from a major management study have been formally incorporated in a revised edition of the OCDETF Guidelines. These actions have enabled the Program to progress steadily along the road which has led to the acknowledgement of the Organized Crime Drug Enforcement Task Forces as the Administration's premier effort in the "War on Drugs."

The implementation of a comprehensive program-wide budget review and monitoring system incorporates an expanded role for the Executive Review Board and the regional Task Forces that has resulted in the following benefits:

- o The Executive Review Board's ability to carry out its responsibilities in connection with resource allocation decisions for Task Force operations nationwide has been strengthened;
- o Substantive cross-organizational resource issues and concerns are being addressed appropriately. This executive-level assessment of participating agencies requests has contributed to a much stronger budget presentation to the Justice Management Division Budget Staff, to the Attorney General, the Office of Management and Budget, the Office of National Drug Control Policy, and to Congress; and
- o The Deputy Attorney General, as Manager of the OCDETF appropriation, has been provided with the requisite resource background information and supporting data to assist the Attorney General in providing strong central oversight of the OCDETF Program.

Reflective of the OCDETF Program's administrative performance, the Office of the Deputy Attorney General and the Office of National Drug Control Policy have agreed that the administration of the Department of Justice's portion of the High Intensity Drug

Trafficking Areas (HIDTA's) Program will be conducted through the Organized Crime Drug Enforcement Task Force (OCDETF) Program Executive Office. On November 20, 1990, instructions were issued to the Director, OCDETF Executive Office to begin immediate development and implementation of an administrative plan which would insure that HIDTA funds interface with the OCDETF Program and that HIDTA expenditures are administered and accounted for through the ongoing OCDETF system.

In addition to general administrative responsibilities, the OCDETF Executive Office is now responsible for:

- o Reviewing the Metropolitan HIDTA plans for 1991 and insuring compatibility with each other, the Southwest Border HIDTA plan, and with the OCDETF Program;
- o Recommending budget allocations;
- o Executing reimbursable agreements;
- o Coordinating a process reporting and evaluation system to facilitate an end-of-year accomplishments report; and
- o Designing and managing the 1992 budget formulation and execution process.

By consistently monitoring and refining the management process, the Organized Crime Drug Enforcement Task Force Program has reached an enviable level of maturity and productivity in eight years. It has become the model for comprehensive and well coordinated efforts to deal with major drug trafficking and drug-related criminal activities. By overcoming past fears of working together, Federal, State, and local law enforcement and prosecution

agencies have proven that their combined and coordinated efforts can be successful in attacking major drug crime organizations at their roots and that they can be permanently disabled or destroyed.

The successes of 1990 are a prediction of even greater positive results for the new decade. The OCDETF Program has proven that good management coupled with skill, dedication, and the willingness to respond to the dynamics of a changing world are powerful tools in the fight against criminal drug activity.

ADMINISTRATION REQUEST

The 1992 request for the OCDE Task Force Program totals 4,614 reimbursable positions, 4,265 reimbursable workyears and \$402.0 million. This includes resources for drug law enforcement, prosecution, and administrative support for the 11 member agencies. The request for the Organized Crime Drug Enforcement Task Force Program (OCDETF) includes an increase of \$67.0 million over the 1991 appropriation of \$334.9 million. A 20 percent increase in OCDETF funds for the next fiscal year will provide additional agents for the investigation of major internationally-based drug trafficking organizations such as the Colombian/South American, Mexican, and Asian groups; increased focus on investigations involving significant regional drug trafficking groups; more investigators for undercover operations; more agents to track aliens involved in drug trafficking; additional personnel to work on the money laundering and financial crimes that go hand-in-hand with drug activities; additional funding to attack the growing

number of violent gangs, to combat the overall increase in narcotics-related violence, and to perform increased narcotics-related firearms investigations; more attorneys to prosecute those caught by Task Force activity; and more resources to support State and local participation.

These resources, which will be shared among OCDEF's participating agencies, will provide 331 additional agents and 76 attorneys to focus on the most complex internationally-based and multi-jurisdictional drug trafficking organizations and, for the first time, allow expansion into non-metropolitan areas.

Included within OCDEF's 1992 increase of \$67.0 million are net mandatory adjustments totaling \$13.4 million and program increases totaling \$53.6 million, which will fund 586 reimbursable positions and 293 workyears. The program increases provide:

(1) 433 reimbursable positions (331 agents) and \$45.3 million for drug law enforcement related purposes. A significant aspect of the OCDEF Program for 1992 is the expansion of resources into smaller cities and rural areas. In the past, U.S. Attorneys and others have advised that additional federal investigative resources should be applied outside our major metropolitan areas to deal with the national drug problem. We recognize that drug organizations now extend from our major cities into the smaller communities. By attacking these organizations wherever they operate, we will have a comprehensive program utilizing information obtained in the

smaller cities to reach back into the heart of these organizations in major metropolitan areas; and

(2) 153 reimbursable positions (76 prosecutors) and \$8.3 million to keep pace with the level of agents assigned to the OCDE Task Force Program, and to maintain a 1:4 ratio of prosecutors to investigators.

Drug Law Enforcement

This activity provides resources for the investigations conducted by the 13 regional OCDE Task Forces.

A summary of the program increases by agency follows:

- Drug Enforcement Administration (DEA): A program increase of 114 reimbursable positions (90 Agents), 57 reimbursable workyears and \$12.9 million is requested for DEA. The major impetus of this request reflects an internal policy change regarding DEA's current strategy for nominating cases to the OCDETF Program. Effective April 2, 1990, DEA policy now requires that all top-level cases be nominated to the OCDETF Program in the early stages of an investigation in order to take full advantage of the knowledge, experience, resources, investigative jurisdictions, and prosecutorial support of all agencies participating in the OCDETF Program. DEA anticipates a significant increase in OCDETF cases in 1992 as a result of this change. Also because of the growth in Special Agent

manpower DEA-wide, it is anticipated that DEA will generate considerably more OCDETF investigations than in the past. The requested resources will also provide for increased coverage of medium and rural population areas, allow DEA to meet increased cross-designation/deputation requirements, and provide additional funds for State and local assistance.

An increase of \$.6 million is requested to augment the overtime pay of State and local law enforcement officers participating in the OCDETF Program. There have been more than 4,400 active reimbursement agreements between OCDE Task Forces and State, county, or local agencies. These local agencies continue to pay the salaries of their investigators who are working on Task Force cases, but are assisted in meeting the costs of overtime, travel, and per diem expenses resulting from their participation.

- Federal Bureau of Investigation (FBI): A program increase of 165 reimbursable positions (111 Agents), 83 reimbursable workyears and \$19.1 million is required for the FBI to dedicate more resources to the investigation of internationally-based and multi-jurisdictional drug trafficking organizations and their money laundering support mechanisms within the OCDETF framework. These requested resources would also assist in providing additional intelligence through the use of electronic surveillance

coverage, Racketeering Enterprise Investigations, and undercover operations. These sophisticated, labor and resource-intensive investigative techniques provide the most effective means for identifying and penetrating major drug trafficking organizations at a high level as well as their extended conspiratorial networks.

The FBI is committed to addressing major drug trafficking in the main centers of drug importation and distribution and in other areas across the country where such trafficking is intensely prevalent. The majority of FBI drug investigations address internationally-based organizations and by 1992 approximately 40 percent of these matters would focus on "other drug trafficking organizations" which target major, multi-jurisdictional regional drug groups. Many of the "emerging group" and national gang organizations had their genesis as major regional organizations. Large and influential multi-jurisdictional drug organizations perpetuate the flow of drugs from the ports of entry to the interior of this country.

-- Immigration and Naturalization Service (INS): A program increase of 11 reimbursable positions (11 Agents), 6 reimbursable workyears and \$.9 million is requested for INS. This enhancement will address the burgeoning problem of criminal alien involvement in illegal drug activities by

providing investigative resources to all OCDETF agencies in the identification, location, investigation and parole of aliens involved in narcotics enterprises.

The enhancement provides for increased investigation of Asian Organized Crime Groups that meet the OCDETF criteria.

-- Internal Revenue Service (IRS): A program increase of 102 reimbursable positions (85 agents), 51 reimbursable workyears and \$8.8 million is requested. This resource enhancement will allow the Internal Revenue Service to expand its enforcement of the Bank Secrecy Act. Enhanced enforcement will be realized through increased financial targeting, expanded undercover operations, and increased verification of compliance, particularly for non-bank financial institutions, such as currency exchanges and transmitters of funds. Expanded enforcement of transactional money laundering statutes will result in additional investigative accomplishments, including increased seizures, additional forfeitures and more convictions.

-- Customs Service: A program increase of 30 reimbursable positions (24 Agents), 15 reimbursable workyears and \$2.5 million is requested for the U.S. Customs Service. Included within this request is \$1.3 million for undercover operations and equipment requirements. The 1,100 plus Customs agents working Title 21 drug smuggling investigations and drug

related money laundering investigations under cross-designation provided by the January 1990 Customs/DEA agreement are expected to generate increased workload of OCDETF quality. The requested new OCDETF reimbursable positions will help Customs meet the anticipated increased workload.

- Bureau of Alcohol, Tobacco and Firearms (BATF): A program increase of 11 reimbursable positions (10 Agents), 5 reimbursable workyears, and \$1.1 million is requested. Included within this request is \$.2 million for the purchase of evidence.

The increasing mobility of the violent gangs, the overall increase in narcotics-related violence, and the increase in narcotics-related firearms investigations require increased resources for BATF. Additionally, street gangs have become a major criminal force in not only inner-city neighborhoods, but are now moving into suburban areas and non-major distribution cities.

These additional positions will also be utilized to assist in the identification of weapons bought, sold, and used by narcotics dealers; increase liaison with OCDETF counterparts in other Federal, State, and local agencies; and to collect, evaluate, and share criminal information pertinent to the enforcement priorities regarding street gangs.

Prosecutions

Litigation efforts selectively target the criminal leadership involved in drug trafficking, and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises.

The requested program increase for the U.S. Attorneys is 153 reimbursable positions (76 Attorneys), 76 reimbursable workyears and \$8.4 million. This enhancement will respond to the escalating OCDETF workload caused by the initiation of additional complex long-term investigations; the expanding use of labor intensive investigative tools, and rapidly increasing appeals encouraged by the penalties in the Anti-Drug Abuse Act of 1988. Approval of these additional resources will enable the OCDETF Program to maintain a ratio of one attorney for every four agents.

Administrative Support

The Executive Office provides policy guidance, central coordination, and administrative support to the headquarters of the eleven member agencies and the thirteen task forces. No program increase is requested for this activity for 1992.

CLOSING COMMENTS

By targeting powerful drug organizations and the high level figures leading them, the OCDETF Program has demonstrated a capability to strike at the heart of illegal drug trafficking. By

initiating investigations that demanded a high degree of interagency collaboration, OCDETF has drawn on the expertise of its members in a way never achieved before. By making the fullest use of all of the techniques of financial investigations, the Task Forces have worked to bring down traffickers who could have been reached in no other way.

The ongoing threat of international drug trafficking cannot be minimized. The war is by no means over and increased resources are required for the future. Many difficult battles lie ahead. Yet, the OCDETF Program approach has produced the best results of any concerted effort to date. The evidence is persuasive that use of this model and its strategy can undermine, damage, and even destroy major drug trafficking organizations.

Finally, I would like to assure you that the Attorney General and the Secretaries of Treasury and Transportation are fully behind the Program, and they look forward to assisting the agency heads in effectively expending the OCDETF resources to maximize the accomplishments of the Program. I want to acknowledge the support of this Subcommittee and thank each of you for your interest. I will be pleased to answer any questions at this time.

BIOGRAPHY

GEORGE J. TERWILLIGER, III

Mr. Terwilliger has served as the the United States Attorney for the District of Vermont since October 1986. Since June 1990, he has also served as one of two principal Associates to the Deputy Attorney General at the Department of Justice in Washington.

From 1981 to 1986, Mr. Terwilliger was an Assistant United States Attorney in the District of Vermont, and in 1986 was named Chief Assistant.

From 1978 to 1981, Mr. Terwilliger was an Assistant United States Attorney in the District of Columbia, where he served in the major crimes division. During that time, he served a 3-month special assignment as a drug prosecutor in Miami and was also on the team of attorneys and investigators who responded immediately to the events surrounding the shooting of President Reagan in March of 1981.

Mr. Terwilliger's first legal job was as a law clerk in the Justice Departments's Civil Appellate Section, where he worked while attending Antioch Law School in Washington. He received his law degree in 1978; he received his B.A. in 1973 from Seton Hall University.

Mr. Terwilliger was selected by Attorney General Dick Thornburgh in 1988 to be a member of the Attorney General's Advisory Committee of the United States Attorneys and was elected Vice Chairman of that group by his peers.

Mr. Terwilliger and his wife, Carol, who is also a practicing attorney, live in Hinesburg, Vermont with their children, Sarah Kate, 12, Zach, 9, and Virginia, age 8 months.

LARGE INCREASE

Mr. EARLY. Since the inception of this appropriation for fiscal year 1990, we have seen almost a doubling of the amount for OCDE from \$214 million to \$402 million. I assume the statistics you just quoted in your opinion justify the increases?

Mr. TERWILLIGER. Yes, sir. This program is becoming increasingly successful. As, frankly, the sophistication of our investigators and prosecutors rose, the mass of what, for a lack of a better term, I will call the enemy—that is the drug traffickers, drug trafficking organizations both large and international organizations as well as some of the regional organizations that exist in parts of the country, including New England, which I am very familiar with—is becoming increasingly sophisticated.

They have sophisticated electronic equipment available to them and sophisticated legal advice available to them in terms of hiding their assets and their money. The expertise needed to delve into this type of operation is not only expensive, but also time consuming.

I look at the OCDETF program as not merely one in which we should measure its production in numbers, but to also make a qualitative assessment of what kind of work is being done. The types of cases that we are bringing in the OCDETF program today are reaching into the heart of these major drug organizations.

COMPARABLE STATISTICS

Mr. EARLY. You speak of New England. I didn't bring it up with the U.S. Attorneys, but all those statistics, I think they have 85 Assistant U.S. Attorneys in that office now. We never had close to that.

The OCDETF program points to prior statistical accomplishments such as the arrests, convictions, et cetera generated from program efforts. We have nothing to compare it with as far as when you cited all those numbers. Would you put the statistical accomplishments into perspective by comparing it to the resources expended for all the participating agencies?

Mr. TERWILLIGER. I am not sure that I can, frankly, Mr. Chairman. It is difficult to compare, for example, OCDETF statistics to the statistics for the DEA or the FBI and their accomplishments in other cases because we are really talking about two different programs.

One, in the OCDETF program, it is a multi-agency case against an organization and some of the other cases which are reaching down to a lower level. The statistical accomplishments, as I mentioned a moment ago, I think are important because we obviously have to have some measure of success that we can look at and see that we are getting a bang for the buck and a return on the money that the taxpayers are investing in the program.

But I think equally as important is a qualitative analysis of the results. We would be happy to submit for the record, if the chair would like, an example of the two most major cases from each of the 13 regions around the country that have been brought in the last year to give you an example of the types of things that we are reaching into. I am sure you don't want me to go into detail.

Mr. EARLY. I would like you to do that. It doesn't have to be too extensive. If you would do that in each district, we would appreciate that.

[The information follows:]

MAJOR CASES

Due to the sensitive nature of the documentation, this information has been provided to the Committee under separate cover.

OVERSEAS PROGRAM

Mr. EARLY. You spoke about the international component with OCDETF. A few years back OMB tried to knock out the legal attaches. Does OCDETF also have those?

Mr. TERWILLIGER. The legal attache program is part of the FBI general overseas operation to provide overseas services for law enforcement in foreign countries. Legal attaches certainly provide assistance in OCDETF cases.

However, the overseas program for narcotics enforcement is multi-faceted, more than the legal attache, not to denigrate the importance of their function. It includes the operations we undertake with the Drug Enforcement Administration in Colombia, Peru, Bolivia, and transshipment countries such as Panama and Mexico.

As I am sure the Chair and members of the Committee are aware, we have a significant presence down there now. We are making significant in-roads under extremely difficult circumstances, both for our own personnel as well as for the efforts of some of the foreign governments.

It is a very vexing problem, of course. Perhaps one of the equally important developments is the degree of cooperation and liaison which exists today between the domestic law enforcement agencies and some of the agencies of the foreign intelligence and national security community, including the Defense Department which is operating overseas. It has given us an unprecedented degree of access to information which increases our degree of understanding of the operations of some of these organizations and provides important material to support domestic investigations.

FBI NATIONAL DRUG STRATEGY

Mr. EARLY. The FBI national drug strategy and the OCDETF program both call for the FBI to devote its resources only to the most significant drug trafficking organizations. There are some who believe that all FBI drug cases could or should be OCDETF. Does the nature of FBI drug case work virtually define it to be an OCDETF case, multi-agency?

Mr. TERWILLIGER. Not completely. An OCDETF case is by definition a multi-agency case. The beauty of it is that the IRS has expertise, for example, in financial investigations, et cetera, which can be brought to bear on a multi-faceted problem, that is, a comprehensive and vertically integrated drug organization.

Apart from the FBI's OCDETF's mission, and I believe about 40 percent of their drug cases in terms of numbers are now OCDETF cases, there are parts to fill that are not multi-agency in nature.

Secondly, and this gets into the overburn issue, there are many cases brought by the office of origin. For example, there may be a case in Springfield, Massachusetts that is related to a Boston OCDETF case. But the case in Springfield may not be carried as an OCDETF case in the resident agency there, assuming there is one, simply by virtue of the fact that they don't have the FBI agent manhours to burn on an OCDETF investigation. So they will do the work and there will be no diminution of effort, but rather than carry it as an OCDETF case it will be carried as a regular FBI drug case.

FBI OVERBURN

Mr. EARLY. Why aren't a larger number carried under the OCDETF structure?

Mr. TERWILLIGER. Because of the overburn situation. The FBI has over-utilized its allocation for agency workyears under the OCDETF program. When they overburn in an area they come under heavy criticism from time to time from some of your colleagues elsewhere in the Congress.

Director Sessions has made some, I think, very strenuous and appropriate efforts to keep the FBI on target in terms of meeting its budget targets. They are doing everything they can toward meeting targets with the resources they have been allocated.

You will note that I mentioned in my statement that there is a substantial increase for the FBI in this particular budget including, I believe, 51 positions for this expansion into some of the outlying areas. I would suspect, although I cannot promise because I am not sure what the result will be, but I suspect, as has been the case with DEA, that we would see the proportion of FBI OCDETF cases go up over the ensuing years.

FBI ROLE

Mr. EARLY. I have great respect for the FBI, but they are too proud. I don't think we would have had the S&L scandal if they weren't spread so thin. Let me ask you personally, when Mr. Sessions says that the FBI is supposed to handle just the prime big cases and when they do it they do a great job, don't you think OCDETF handles the prime big cases?

Mr. TERWILLIGER. Yes, sir, I do. I am sure what the Director was saying was that through the FBI participation in the racketeering concept, where they investigate an organization and not merely individuals, that those cases do in fact compromise OCDETF investigations.

I don't know if anyone ever asked the Director this question but I doubt if the FBI would have objection to upping the percentage of total drug cases classified as OCDETF if they had the total resources to do so.

Also, it is necessary to pursue some cases as non-OCDETF cases because they build the body of information upon which the OCDETF cases can be built. We really should be reserving the OCDETF cases to the maximum extent possible to go after the big organizations and not to go after individuals who may be a serious problem, however notorious in a given locale or city.

Mr. EARLY. I agree totally. I think the real beauty of the FBI is their automation. It started with Hoover. I think Hoover should get credit for starting them on that track.

The Committee went down and saw all their automation. That is really the secret to their success.

I would like to see OCDETF get more into the actual implementation of the investigations.

Mr. TERWILLIGER. I could not agree with you more, Mr. Chairman. I think for whatever criticisms the FBI has come under in the past or present and whether justified or not, I think, on balance, one would have to agree that we are fortunate, that when we face a problem like S&L's, and the civil rights dilemmas in the south in the 1960's, that we as Americans have one of the finest national investigating law enforcement agencies in the world to help us.

INTERNAL BUDGET REVIEW

Mr. EARLY. Mr. Rogers.

Mr. ROGERS. Thank you. You are asking for an increase of \$54 million next year which is 15 percent or so in program increases not including adjustments to base, which is about \$13.4 million.

How do you arrive at your estimates? How do you decide where the task force funding is going to go?

Mr. TERWILLIGER. I appreciate being asked that question, sir, because Mr. Kramer, who oversees that process directly, is justifiably proud of the success his effort has had since the consolidated budget process was instituted two years ago.

It really got into full swing last year and in fact we are in the 1993 process now. It is a process that really begins in March of the calendar year. It involves a call from each investigating agency for what its resource needs will be, what the justifications are, the typical budget process.

That information is then analyzed by the budget staff of the OCDETF office who obviously have the wherewithal to produce the size briefing books I have brought here today. They are an excellent group of people. Added to that mix of information is an evaluation of the program from on the ground, the field perspective from the 13 regional United States Attorneys who are the field managers of the program in the core cities.

All of that information put together results in recommendations to the Washington Agencies' Representative—WAR—group which is the headquarters representative of each of the 11 agencies. That particular group I chair out of the Deputy Attorney General's office as the Associate Deputy Attorney General responsible for this program.

The information, in turn, that comes out of the WAR process, which is really an effort at consensus by the 11 participating agencies from three different executive departments to determine what the needs are. When all of that is done and consensus is reached, that information then goes through the normal Justice Department budget review process through the Justice Management Division up through a hearing with the Attorney General. I think, Mr. Rogers, to the Attorney General's great credit, it was at that hearing this past year where the possible problems arising from the ad-

ministration of the High Intensity Drug Trafficking Area's (HIDTA) program conflicting with some aspects of the OCDETF program were identified.

The Attorney General made it quite clear that he wanted those problems fixed. He thought we needed to make sure things such as HIDTA were fully integrated into a coordinated drug enforcement effort. It was for that reason we brought that program under the umbrella of OCDETF, as I like to say.

Once beyond the OCDETF process, we go through the normal process to the Office of Management and Budget which leads us here.

LEVEL OF AGENCY PARTICIPATION IN OCDETF

Mr. ROGERS. Are some agencies under participating in task force operations?

Mr. TERWILLIGER. I don't believe any of the agencies are under participating, certainly not from a subjective evaluation. I believe that every person connected with this program in the field would like additional resources and can point to how additional resources in agencies could be used.

But, subject to Mr. Kramer's observations that I may have forgotten, I don't think there is a major problem in that regard.

Mr. KRAMER. Not at this time.

Mr. ROGERS. How do you insure, for example, the DEA which projects using additional 45 agent work years, how do you insure that they will meet that level?

Mr. TERWILLIGER. I will let Mr. Kramer answer that question. As we have put into practice the consolidated budget process, his office has developed a mechanism for that type of review.

Mr. KRAMER. We enter into a reimbursable agreement with each one of the participating agencies. They submit, on a quarterly basis, a billing to us based on their use of personnel and other resources.

We are in the process now of being able to track that down to the judicial district level. Right now we are doing it on a regional basis. Also, this last year we instituted something I think is very important. We will only pay—take DEA, for example, if they bring a case and say they want to make it an OCDETF case because it merits it—we only pay their personnel and resources costs up to 30 days prior to submission so they cannot use that and bring a case and say we are ready to indict it.

So we have very tough budgetary safeguards on each of these agencies. To be honest, originally they did not like it one bit but they have come along with it. Our monthly reports show complete usage of the money. Last month I think we came within \$5 or \$10 of the entire program. So we are very confident that they are spending those resources in a very productive and effective management way.

INTERAGENCY COOPERATION

Mr. ROGERS. How have law enforcement agencies been cooperating for years with DEA, FBI? They have long boasted that they have a good working relationship with each other and other agen-

cies and with state and local groups. But those historically have been largely ad hoc relationships. They develop around a given case or develop around some, few kinds of personality.

What advantages does that formal program of cooperation provide ad hoc efforts? Aren't certain cases better managed or better solved by informal arrangements?

Mr. TERWILLIGER. I think you hit the nail right on the head, Mr. Rogers, when you said there is great value to the cooperative relationship which has traditionally existed on an ad hoc basis. What this program does is two things, I think.

First, it puts Federal agencies in the position of being able to put their money where their mouth is on cooperation. Second, it institutionalizes that cooperation and adds a critical element to the mix that is not necessarily present in the informal arrangements, and that is the involvement of the prosecutor during the investigative stages of the case.

One of the real beauties of the OCDETF program is that the prosecutor becomes a full partner in the investigation, in addition to providing legal advice in terms of gathering evidence, and in a factually knowledgeable way utilizes electronic tools that the Congress has made available to them like surveillance, et cetera, as an aid to investigation.

The marriage of the agencies together is obviously an important step, including the involvement of State and locals. But bringing the prosecutor into that mix is really what distinguishes this program from the more informal arrangements in the past.

OCDE CASE DESIGNATION

Mr. ROGERS. How is it determined that a case requires a formal task force?

Mr. TERWILLIGER. In each region there is a committee composed of the coordinators from each agency chaired by the Assistant United States Attorney coordinator. A case that is requested for OCDETF designation from any one agency or a combination of agencies first goes through the United States Attorneys' office in the district where it arises and is then submitted to this committee for review. The committee then votes as to whether or not this case meets general OCDETF criteria and the particular priorities of that region.

You must remember this is a field-driven program. It is not managed on a day-to-day basis from Washington. It is managed by the people on the ground.

The result is that we decide whether the case becomes a task force case or not. If there is a disagreement, then that involves Washington and, ultimately, the Deputy's Office.

Mr. ROGERS. Thank you.

INTERACTION WITH ONDCP

Mr. EARLY. Ms. Pelosi.

Ms. PELOSI. In what ways do you work with the Office of National Drug Control Policy. Is there any duplication?

Mr. TERWILLIGER. No, the Office of Drug Control Policy is, by statute and design, non-operational in nature. OCDETF is an oper-

ational program. The one area where there is substantial interface, a term I don't like to use but I can't think of a better one at the moment, between the Drug Control Policy Office and the OCDETF program is the High Intensity Drug Trafficking Areas program.

This year is the first year and it seems to be working very well.

Ms. PELOSI. Would they tell you that they thought something was appropriate for OCDETF?

Mr. TERWILLIGER. No.

Ms. PELOSI. It is as you said field driven.

Mr. TERWILLIGER. Yes.

ASIAN DRUG TRAFFICKING

Ms. PELOSI. I was amazed, and I am not frequently amazed, about what you had to say about the growth of Asian organizations being facilitated by the growth of Asian immigrants into the United States. You can make that flat statement?

Mr. TERWILLIGER. Yes. I can make the same statement about Russian organized crime groups in New York City and Jamaican organized crime groups in various parts of the country.

Ms. PELOSI. There are Russian organized crime groups?

Mr. TERWILLIGER. Yes, even in Russia there are.

Ms. PELOSI. That was one advantage of a centralized system, you don't have them anymore.

Mr. TERWILLIGER. I suppose so.

RURAL FAMILY-BASED ORGANIZATIONS

Ms. PELOSI. You talk about domestically based organizations ranging from informal urban networks to upscale groups of former college associates to rural family-based organizations descended from moonshiners who have organized drug trafficking to segments of our society which have hitherto been relatively isolated from the drug trafficking scene.

Is it that pervasive?

Mr. TERWILLIGER. It is that pervasive. In Mr. Rogers' state the marijuana cultivation has become a major industry. It is, unfortunately, a major industry of my state of Vermont.

Ms. PELOSI. Is that what you are referring to as rural family-based organizations, that they are dealing in marijuana, and not cocaine?

Mr. TERWILLIGER. There are also cocaine operations that are family-based in the country. There is also a great deal of methamphetamine production based on loosely knit families on both borders.

There are families and associations that have made their living smuggling across the border since the border has been there.

HOME MANUFACTURE OF METHAMPHETAMINES

Ms. PELOSI. You mentioned some outlaw motorcycle groups have been involved in manufacturing and processing methamphetamines. In light of that, and recognizing that many individuals are making this drug at home does that have any impact on how you proceed? Are you only involved with organized crime drugs?

Mr. TERWILLIGER. Yes and no. The purpose of this program in dealing with a problem like that would be to attack the organization, where there is one, that is involved in distribution, for example. But certainly, if we were working an amphetamine distribution organization, one of the prime objectives of the investigation would be to work back to the source of the supply.

If that source of supply happened to be a 55-year-old grandmother cooking in her kitchen, we would go after that grandmother as part of that case.

Ms. PELOSI. My point is that many of these 55-year-old grandmothers are doing that for their own use. They are not necessarily selling.

Mr. TERWILLIGER. I find that hard to believe, with the data I have seen both subjective and objective over the years. You would have to go to a lot of trouble to make meth for your own use.

They make the argument in terms of marijuana production. It is just 10 or 12 plants for their own use. I cannot say on the record, but I wanted to make a comment about major commercial food producers. Major producers, rather than grow 60 and 100 plants in a lot, they will contract with jobbers to grow 10 or 12 and spread out the protection and degree of risk in growing the stuff.

I would not be surprised if the same were not true in methamphetamine production.

Ms. PELOSI. Well, I was not saying that in defense of the grandmother. I think she should be arrested, too, but I mean just in terms of reducing demand. I appreciate what you have had to say about the statistical information, putting it in perspective by giving us examples from different regions.

I would like to know who gets convicted and who gets off in those cases. I am afraid that some of the people who are getting off are the ones with information to trade.

Mr. TERWILLIGER. Yes.

MANDATORY MINIMUM SENTENCES

Ms. PELOSI. Those at the lower end don't have information to trade, so we get the little fish rather than the big fish. In your testimony, you make a distinction in some of the descriptions of your accomplishments.

One of my concerns about the mandatory minimum sentence is that the people filling up our jails are not the big offenders or the ones with information to trade. Certainly we want them to pay the price for their crime if they are involved with breaking the law, especially as far as drugs are concerned. But if they don't have any information and some other big fish does and he can plea bargain and get off, we shouldn't overcrowd our jails with the people who are less responsible for the drug problem.

Mr. TERWILLIGER. I am pleased to have the opportunity to speak to that because you addressed it yesterday while I was waiting to testify when Mr. Moore testified.

First of all, mandatory minimums are just that. They represent a Congressional judgment that if a certain offense is committed and a person is found guilty of that offense they should get X amount of time in jail, which is an extension of the original Congressional

prerogative which was not to provide indeterminate national sentencing but in the early days the Congress fixed the sentence and the judge had no discretion other than to have to impose it.

In the constitutional sense regarding the sentencing guidelines, in the *Mistretta* decision, the Supreme Court recognized that. However, the court can now sentence well above that minimum so he is very able to position his sentencing so that the person who is more culpable in a given case receives a greater amount of time.

Secondly, the sentencing guidelines, which are a separate issue from the mandatory minimums and a separate apparatus, were designed for one very important purpose in the main. That is, to correct the fundamental unfairness that happens in the courtrooms of our district courts every day where, if you took a defendant who was convicted of a given crime and had a given record, Judge A might give him two years and Judge B might give him ten years, so like defendants were being treated very differently.

The guidelines were designed to force judges to sentence within the range. They have the ability to go above or below that range for certain circumstances not covered in the guidelines. The anomaly you allude to where a person might escape some of the guidelines application by cooperation because he or she has information to offer, but the——

Ms. PELOSI. The sap——

Mr. TERWILLIGER. The sap, if you will, has nothing to offer and therefore will receive a longer sentence because he was involved in a conspiracy or a joint enterprise for a fairly large amount of drugs, I think that can be looked at two ways.

That is something that prosecutors must be alert to because the end result of everything we must do in these circumstances should be a just result. If there is a wide disparity it could be perceived as not being a just result.

It also serves as a valid deterrent. It is more difficult to deter the kingpin who stands to make a lot of money in these circumstances but the kingpin could not operate with effectiveness if he did not have the mopes or the saps to transport the drugs from point A to B. It is a strong deterrent, as it has shown to be in the last couple of years, that the sentencing guidelines are there and that it is a very strong risk for the sap to undertake.

So I would hope we don't throw the baby out with the bathwater if some of those anomalous situations arise. I think there was a lot of thinking and reasoning that went into that process to begin with.

Obviously the Sentencing Commission regularly reviews the applications of its guidelines to monitor it for those purposes.

Mr. Chairman, I apologize for my five-minute answer to the 30-second question.

Ms. PELOSI. I appreciate what you said. I think the sap should pay the price too but I don't want the other one to get off.

My interest in the sap is that he takes up space in already overcrowded prisons. If somebody had to be punished, I would rather see the kingpin. But you gave me your thinking on that and I appreciate it very much.

I have no further questions. Thank you, Mr. Chairman.

FEDERAL JUDGE COMPLAINTS

Mr. EARLY. Mr. Terwilliger, that last answer has been answered by several witnesses from the department. It is really not flying with me. Several of the judges I spoke to, and I don't think it is anything intended or anything wrong with it but I think we have to come up with a solution.

Several of the federal judges are telling me they are spending much too much time with so to speak, "mules" than they are with the kingpins. I think it is just a breakdown in the system going with the mandatory thing.

I would like to think they are not. But I am telling you the specific judges I have talked to, and they are not blaming anybody, but we are spending too much time with mules. They are getting the same type of trial. You bring in three mules or you bring in three kingpins. They all get separate trials. That is where I think justice has to shift over to the state courts.

Mr. TERWILLIGER. I can appreciate the perspective of the judges, Mr. Chairman, and certainly appreciate your looking at it from an efficiency point of view in terms of how we are spending these resources that the Committee is making available to the Department. It is a difficult problem, particularly in the OCDETF context. We could not very well say to our State and local prosecutor colleagues that we will skim the cream off the top of this particular case and take all the major players into Federal court, and you go worry about the little guys.

Nor would it be a very efficient use of our investigative resources to have a gentleman testifying about the same essential facts of a conspiracy case in two different courts.

I am not so sure that I would agree with some of the anecdotal expressions I have heard from some of the Federal judges in terms of how big of a problem this really is.

It is certainly something that is worth looking into and having a dialogue with the courts and the Sentencing Commission about the impact on those at the lower level of the distribution chain. I am not certain at this time, based both on my experience as a field prosecutor, having been here in Washington for almost a year now and talking to my colleagues around the country, that it is quite the problem that individual judges might see it to be.

One must remember that one of the effects of the sentencing guidelines was that where judges used to have complete discretion, they now have a good deal less. Neither you nor I, Mr. Chairman, like having discretion taken away. That may color the perception of the whole process.

FINANCIAL INVESTIGATIONS

Mr. EARLY. Final two points. An objective of the OCDETF program was to direct significant attention to financial investigations, including forfeitures of assets owned by drug trafficking violators. Does a need exist for more agents, primarily IRS, to do financial investigations, in your personal or Mr. Kramer's personal opinion?

Mr. TERWILLIGER. As I said earlier, Mr. Chairman, from a field perspective, one can always say that we could use more agents. I think, at this point, that the commitment of IRS to this program is

strong. I am not familiar with the budgetary process for IRS in terms of their overall agent strength in being able to contribute to the drug effort.

I will say this: the investigation of the financial end of these drug offenses is as critical as the investigation which leads to the seizure of drugs, if not more so. Because it is by taking the profit out of drug crimes, seizure of the assets and so forth, that we really do have an effect to hit these people where they live.

There is only one reason a drug trafficker engages in that activity and that is to make money. If we can find that money and take it away, we are accomplishing a great deal. IRS obviously offers an important expertise in the process of doing that.

I would not be prepared at this time to be specific, to specifically answer your question to say the IRS resources in the request are not adequate.

IRS OVERBURN

Mr. EARLY. We understand IRS has requested significant overburn for OCDETF over the past six years with the fiscal year 1990 figures \$28.7 million and 536 FTE's. Why has the IRS not been recognized in terms of OCDETF budget treatment more commensurate with the need for financial investigators and its unreimbursed effort? They are specialists.

Mr. TERWILLIGER. I agree. Your indulgence for a moment, Mr. Chairman.

Two responses, Mr. Chairman. One is that we will submit for the record a detailed response on that particular issue if you want.

There is, however, an important aspect to this which applied to both IRS and Customs last year. That is, whatever they got from the OCDETF appropriation was taken away from their base in their regular appropriation. So that led them initially this year to say they didn't want anything from OCDETF because they didn't want to get it cut in their regular appropriation.

I think we solved that problem for the 1992 cycle. But I am not sure that is fully responsive to your question.

[The information follows:]

ADEQUACY OF REQUESTED RESOURCES FOR THE INTERNAL REVENUE SERVICE

The Internal Revenue Service (IRS) has been an active participant in the Organized Crime Drug Enforcement Task Force (OCDETF) program from the beginning. The IRS has participated in nearly 70 percent of all OCDETF investigations initiated, which is second only to DEA. As the Task Force's financial experts, the IRS's criminal investigators have been called upon to analyze the documentary evidence collected in almost all cases. Other Task Force members recognize the Service's unique ability to identify "professionals" who profit from involvement in narcotics trafficking. Often, the only viable means of attack against this class of individuals has been through financial investigations where the paper trail of money earned from the sale of narcotics has been tracked to its ultimate beneficiaries. In recognition of this critical role, the requested increase for the IRS has been ranked as the number one priority item throughout the 1992 budget cycle.

The 1992 request for the Internal Revenue Service totals 575 positions, 507 work-years, and \$46.2 million. This represents an increase of 102 positions, 87 work-years, and \$12.2 million over the 1991 enacted appropriation. Under the consolidated budget process, IRS funding has increased \$31.7 million since 1990. This represents a 220-percent increase in just two years. In comparison, the overall OCDETF budget has grown 87 percent since 1990. The IRS share of the total OCDETF budget has subsequently increased from 6.7 percent in 1990 to 11.5 percent for 1992.

The IRS has recently advised the OCDETF Executive Office that it dedicated an additional 536 workyears and \$28.7 million over the 1990 funded budget in support of the OCDETF Program. The increased resources made available to the IRS in the 1991 enacted appropriation along with approval of the requested increase for 1992 would largely address the "overburn" problem identified by the IRS. Any remaining funding shortfall attributed to the "overburn" issue as well as additional enhancements will be addressed during the 1993 OCDETF budget process which was initiated on March 5, 1991.

ATTORNEY GENERAL'S AUTHORITY TO REALLOCATE FUNDS

Mr. EARLY. Has the Attorney General considered the imbalance under his unilateral authority to reallocate funds within the program?

Mr. TERWILLIGER. I don't think the Attorney General considers it an imbalance, Mr. Chairman. The Attorney General is the chief law enforcement officer of the United States. He is the head as well as a very active participant in the management of this program. He is given the responsibility to make those reallocations as necessary.

The fact of the matter is, though, that this will not occur by the Attorney General simply sitting down and making a decision, but rather will be worked through the interagency process, much as I described the budgetary process for Mr. Rogers a few moments ago.

We seek in the OCDETF program to work with our colleagues, particularly in Treasury and the Department of Transportation which is involved insofar as the Coast Guard is concerned, on a consensus and a professional and collegial basis. I doubt very seriously that we would ever reach the point where Mr. Thornburgh would have to sit down with Mr. Brady to resolve one of these problems. I think that we can take care of it.

As far as I know, there are none of these agencies that did not substantially receive, as a rule of our internal process, that which they requested to begin with. Obviously, not everybody got everything that they wanted.

Mr. EARLY. But there is no net gain for them if OCDETF is giving them money and it is coming out of their base.

Mr. TERWILLIGER. As far as I know, that problem has been solved in terms of the Committees that control their appropriation. But that was exactly the problem last year.

Mr. EARLY. Do you know who reduced the funding?

Mr. TERWILLIGER. I am told it was an OMB decision originally. That has been changed.

Mr. EARLY. You have been outstanding witnesses. Most of the witnesses from Justice have been outstanding, and everyone can be pleased with that.

[The following questions were submitted to the Department for response subsequent to the hearing.]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Organized Crime Drug Enforcement1992 Request

QUESTION: Please describe your initiative against rural drug trafficking and the number of positions and funds requested for that purpose.

ANSWER: A significant aspect of our Organized Crime Drug Enforcement Task Force (OCDETF) Program for 1992 is the expansion of resources into smaller cities and rural areas. In the past, U.S. Attorneys and others have advised that there are not enough Federal investigative resources outside our major metropolitan areas to deal with the national drug problem. By attacking drug organizations wherever they operate, we will have a comprehensive program utilizing information obtained in the smaller cities to reach back into the heart of these organizations in major metropolitan areas. A program increase of 66 positions (51 agents and 15 general support), 33 workyears and \$6,059,000 is requested for the FBI for this initiative. The FBI currently has 56 field offices and resident agencies located in 454 cities. There is no other Federal law enforcement agency with a presence in so many cities around the United States. It is this extensive presence that places the FBI in the unique position of employing the OCDETF concept in order to maximize its effectiveness.

In establishing an effective method of addressing major drug trafficking organizations throughout the country, the FBI identified first, second, and third-level drug distribution cities. Specifically, these cities are as follows:

- Level I - Houston, Los Angeles, Miami, and New York
- Level II - Boston, Chicago, Detroit, Newark, San Diego, and San Francisco
- Level III - Atlanta, Dallas, El Paso, New Orleans, Phoenix, Philadelphia, Portland, San Antonio, and Tampa
- Level IV - All other FBI field territories.

As a result of the OCDETF Program, the FBI is committed to addressing major drug trafficking in the main centers of drug importation and distribution and in other areas across the country where such trafficking is intensely prevalent. The majority of FBI drug investigations address internationally-based organizations, and by 1992, approximately 40 percent of these matters would focus on "other drug-trafficking organizations" which target major multi-jurisdictional regional drug groups. Many of the "emerging group" and national gang organizations had their genesis as major regional organizations. Large and influential multi-jurisdictional drug organizations perpetuate the flow of drugs from the ports of entry to the interior of this country.

Utilizing a regional action initiative would provide selec-

tive resource enhancements to those Level III and IV field offices that can demonstrate that virulent regional organizations are active in their territory and that those groups have a definable nexus to a major multi-national organization. The requested enhancement will thus serve two purposes. The primary aim will be to enable these field offices to target and dismantle the drug trafficking organizations and their money laundering apparatus, and seize their assets. The second objective is to enable those offices to track the regional groups to their Level I and II city-centered supply organizations. This will disrupt the operations of major drug trafficking organizations in Level I and II cities by forcing these groups to find alternative markets and distributors in Level III and IV cities, thus running a greater risk of detection by law enforcement.

After-case analysis, conducted as a result of successful regional drug investigations, often provides operational intelligence and always generates timely strategic intelligence of value to the FBI's Level I and II cities. This regional action initiative is designed to enhance the abilities of the FBI's field offices, where drug trafficking is less intense, to trace the flow of drugs to the source and also to provide quality, time-sensitive intelligence critical to dismantling major, multi-national drug organizations.

QUESTION: How much of the \$67.1 million increase is for additional "overburn" and for which agencies, and how much is for program increases?

ANSWER: Of the \$67.1 million increase for the Organized Crime Drug Enforcement Task Force Program, \$12.2 million can be directly related to "overburn" requirements, while the remaining \$54.9 million represents true program enhancements. The entire \$12.2 million "overburn" amount is in direct support of the Internal Revenue Service.

FBI Involvement in OCDETF

QUESTION: The FBI manages its resources devoted to the drug war through Target Staffing Levels (TSL) for both OCDETF and non-OCDETF drug sub-programs. We understand that the FBI expends more resources under OCDETF than the TSL has called for in 6 of the past 7 years. That situation is referred to as "overburn". Does this preclude potential cases from timely OCDETF consideration when the burn-rate approaches or exceeds TSL?

ANSWER: OCDETF investigations are a priority investigative endeavor of the FBI, as evidenced by the historical trend of resource utilization above the funded level. The FBI is continually reviewing and evaluating all drug matters to determine the most appropriate manner in which to investigate and address them. This includes looking for OCDETF potential if it is deemed that the Task Force approach would be the most productive investigative tool to combat the specific drug trafficking organization. While it is obvious there is more than enough drug work to go around, and there are not

enough drug personnel to address the massive problem, the FBI would not allow a case meeting the OCDETF qualifications to go completely unaddressed due to a lack of funding.

QUESTION: Wouldn't consolidating all the FBI drug work under OCDETF alleviate management problems associated with target staffing levels and "overburn" in the two sub-programs?

ANSWER: Not all FBI drug matters require the OCDETF joint approach. There are occasions when it is more appropriate for the FBI to work drug cases independently or with other agencies exclusive of OCDETF.

Many FBI drug cases are initiated as Racketeer Enterprise Investigations (REIs) which gather intelligence information concerning the composition, structure and activities of racketeering enterprises prior to the need to involve other agencies in the investigation. The investigative methods and approaches used in all FBI drug investigations are the techniques best suited to accomplish the investigative objectives. OCDETF investigations add another criteria to the FBI National Drug Strategy (NDS). What distinguishes an OCDETF case from other FBI investigations is the recognition that some major cases are more effectively and efficiently investigated in a multi-agency setting. This type of setting permits each participating agency to draw on the drug enforcement training, expertise, and jurisdictional authority of every participating agency to support investigations or initiatives on an ad hoc basis.

Approval of the 1992 requested increase would allow the FBI to expand its investigative efforts in support of the OCDETF Program. Approximately 54 percent of the additional agent positions would be directed to investigations of the major internationally-based drug trafficking organizations while the remaining 46 percent would be dedicated to investigations involving significant regional drug trafficking groups.

QUESTION: Would a commitment that FBI base funding not be lost affect the allocation of resources to OCDETF?

ANSWER: No, the FBI reserves the right to determine what its needs are in OCDETF matters. Although the FBI's commitment is limited to the confines of funded levels, the FBI continually strives to maintain the flexibility to direct resources based upon the current identified crime problems. The FBI does not identify its crime problems based upon program target staffing levels (TSLs). The current commitment to OCDETF is reflective of the FBI's assessment of the appropriate mix of the resources required to address the drug problem based upon the resources available from both the Drugs program and OCDETF. The FBI's requested increases in funded levels are based upon the current identified crime problems and the resources required to address them. Receipt of the requested additional funding in both the FBI's Drug and OCDETF sub-program areas would greatly assist in precluding overburn situations in these two investigative areas.

High Intensity Drug Trafficking

QUESTION: 1991 funding for the High Intensity Drug Trafficking Areas (HIDTA) Program is \$82 million to be administered and monitored in large part by the OCEETF structure already in place. What are those funds to be applied toward?

ANSWER: The Department of Justice coordinates the HIDTA program for the four metropolitan HDTAs and the Department of Treasury coordinates the program for the Southwest Border. Each HIDTA has a designated Federal official who coordinates the Federal HIDTA program and acts as a liaison with Washington, D. C.

An appropriation of \$82 million was made in 1991 for the HIDTA program. \$50 million will support Federal law enforcement efforts and \$32 million will be provided to State and local entities for drug control activities that are consistent with the National Strategy.

The 1991 HIDTA program will support multi-jurisdictional law enforcement initiatives which complement the efforts of Federal, State and local law enforcement resources to dismantle significant drug trafficking organizations and their operations. The plans will be integrated with existing programs and will focus on enhancing other programs already in place as a part of the National Drug Control Strategy. Support in 1991 will continue for the programs that were established with 1990 HIDTA funding, and the major thrust of 1991 HIDTA priorities is intended to focus on areas of financial disruption, intelligence, violent drug gang activity and research and development.

ONDCP will allocate 1991 budget resources to the appropriate Federal agencies once the 1991 plans have been approved. The \$32 million for direct State and local assistance will be transferred to the Department of Justice, which in turn will allocate the funds to the appropriate State and local law enforcement entities.

QUESTION: What is the breakdown of that \$82 million in terms of the four target areas?

ANSWER: The Office of National Drug Control Policy (ONDCP) has indicated that of the \$50 million Federal portion of the \$82 million, it has tentatively set aside \$25 million for the four metropolitan HDTAs, \$16 million for the Southwest Border HIDTA and is holding \$9 million in reserve. The Department of Justice has submitted requests to ONDCP for \$25.0 million for Federal efforts in the metropolitan HDTAs. This includes \$6.6 million for Houston, \$7.6 million for Los Angeles, \$7.0 million for Miami, and \$3.8 million for New York. The Department has also asked for \$1.2 million in support of Operation Polar Cap V, which will benefit most of the HDTAs.

In regard to the \$32 million State and local funding, the

Department is currently reviewing the various requests from State and local law enforcement entities in the four metropolitan HIDTAs. To date, requests totalling approximately \$32 million have been received.

QUESTION: To what degree is there a tie-in to the Treasury Department's Financial Crimes Enforcement Network (FinCEN) in terms of money laundering?

ANSWER: The Executive Staff of FinCEN has made a concerted effort to educate all OCDETF personnel and all other personnel involved in HIDTA funding of the services available through FinCEN. Virtually all of the OCDETF regional meetings have received FinCEN informational briefings.

There is a OCDETF/FinCEN pilot project involving the Mid-Atlantic, Southeastern, and Southwest Border Task Forces. Specific operations between these three Task Forces and FinCEN are being tested and will become the models for further expansion throughout the OCDETF Program.

WEDNESDAY, MARCH 13, 1991.

FEDERAL PRISON SYSTEM

WITNESSES

J. MICHAEL QUINLAN, DIRECTOR, BUREAU OF PRISONS

WADE B. HOUK, ASSISTANT DIRECTOR FOR ADMINISTRATION, BUREAU OF PRISONS

LARRY SOLOMON, DEPUTY DIRECTOR, NATIONAL INSTITUTE OF CORRECTIONS

RICHARD P. SEITER, ASSISTANT DIRECTOR, INDUSTRIES, EDUCATION, AND VOCATIONAL TRAINING, FEDERAL PRISON INDUSTRIES

DAVID J. SWEDA, CHIEF, OFFICE OF BUDGET DEVELOPMENT, BUREAU OF PRISONS

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. EARLY. The meeting will come to order.

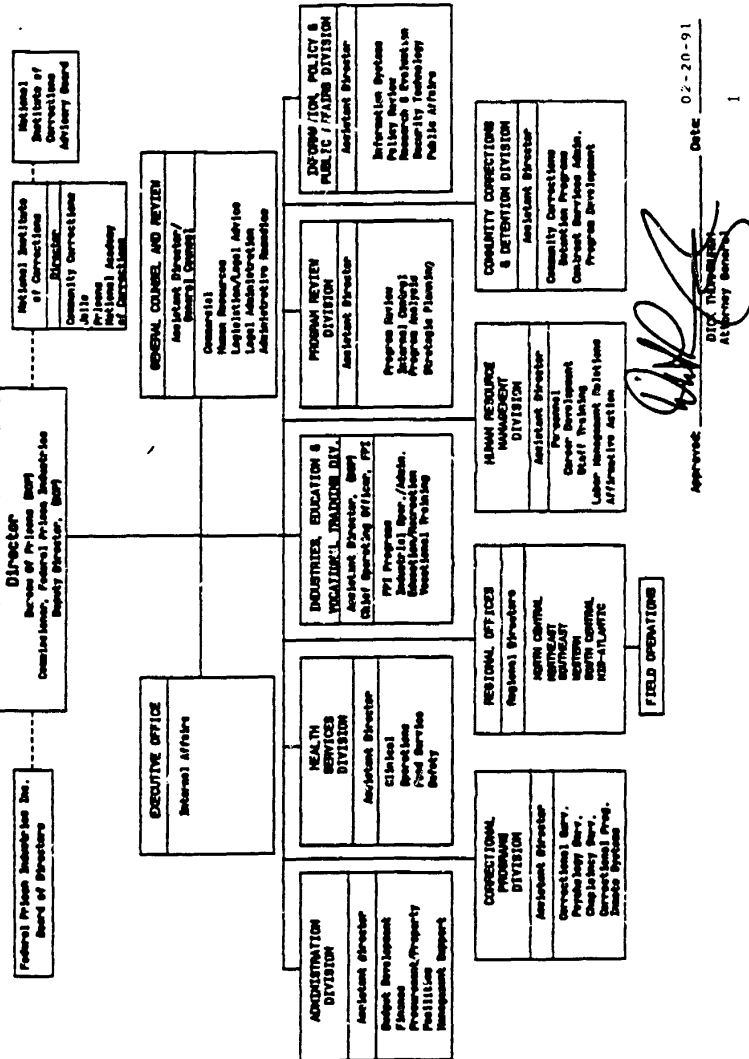
Continuing our review of the Department of Justice, we will now hear from the Federal Prison System. For fiscal year 1992 the Federal Prison System requests \$1,737,835,000 for salaries and expenses; \$411,593,000 for buildings and facilities; and \$10,221,000 for the National Institute of Corrections. We will insert in the record at this point the Federal Prison System Fiscal Year 1992 Budget Justification.

[The justification follows:]

Department of Justice
Federal Prison System
Salaries and expenses
Estimates for Fiscal Year 1992
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FEDERAL BUREAU OF PRISONS



Federal Prison System
Salaries and expenses
Summary Statement
Fiscal Year 1992

The Federal Prison System is requesting a total of \$1,737,835,000, 24,292 permanent positions, and 22,600 1/ workyears for "salaries and expenses" in 1992. This request represents an increase of \$364,197,000, 2,102 positions and 3,385 workyears over the 1991 appropriation.

This appropriation will provide for the custody and care of an average of 71,590 offenders and for the maintenance and operation of 73 penal institutions, 6 regional offices, 2 staff training centers, a central office, and the contract confinement of 7,000 federal offenders with approximately 395 state and local correctional institutions, 45 juvenile facilities and 355 community residential facilities in 1992. On page 5 is a geographical display of the Federal Prison System.

For 1992, program increases totalling 2,102 positions, 1,058 workyears and \$196,559,000 are requested to provide for a projected increase in the inmate population; to activate new facilities; to improve medical services; to enhance drug abuse treatment; to enhance employee development; to expand contract confinement; to upgrade the Financial Management Information System; and to convert to the Department of Agriculture Payroll/Personnel System. Following is a brief summary of each initiative:

Population Increase

The Administration's law enforcement initiatives, especially those directed at major drug trafficking and organized crime, have resulted in a 148 percent increase in the federal prison population - from 23,783 in 1981 to more than 59,000 on January 1, 1991. Recent experience indicates that the rate of growth continues to progress at a rapid pace, increasing by 5,630 or 11 percent since January, 1990. Based on short-term analysis of this growth level, federal court cases pending, and the impact of tougher crime legislation, the Federal Prison System projects that the average daily inmate population based population will increase by 9,140 inmates (.33%) during FY 1992, from 62,450 to 71,590.

For 1992, a total of \$42,655,000 is requested for subsistence and related support costs of the projected population increase. These additional resources will enable the Federal Prison System to continue to provide for food, medical care, clothing, inmate transportation, security, unit management, education, recreation, psychology, records, and maintenance costs associated with the projected population increase.

Activation of New Facilities

The current population of more than 59,000 inmates is housed in prison facilities that by contemporary correctional standards should confine 36,624 inmates. Federal prisons on January 1, 1991 are overcrowded by a systemwide average of 61 percent with several individual institutions overcrowded by more than 100 percent. Prison overcrowding coupled with the continuing rapid growth of the inmate population has the potential for creating a "gridlock" in the federal criminal justice system. This crisis threatens the safety of staff, inmates, and the general public while at the same time seriously impairing the Department's ability to achieve its high priority law enforcement objectives.

For 1992, the Federal Prison System is requesting 1,995 positions, 1,004 workyears and \$120,148,000 for the activation of the following new facilities which will be completed and ready for activation and operation in FY 1992. These facilities will add 5,933 critically needed beds.

1/ Excludes 127 reimbursable workyears

New Facilities:	Activation		Beds	Pos.	FTE	Amount (in 000's)
	Date					
Seymour Johnson, NC Camp Expansion.....	10/91	300	125	84	89,331	
Brooklyn, NY Interim Detention Facility.....	11/91	500	296	248	18,221	
Allenwood, PA Complex (low security only).....	4/92	1,000	308	154	17,699	
Guantanamo, Puerto Rico FCI.....	4/92	1,000	306	153	16,322	
Maricao, Puerto Rico FCI.....	4/92	1,000	306	153	16,322	
Oakdale II Detention Unit.....	6/92	328	56	56	6,214	
Big Spring Satellite Camp.....	6/92	150	36	8	1,850	
Lyndall Camp Expansion.....	6/92	75	18	4	985	
Memphis Detention Unit.....	6/92	150	40	9	2,276	
Seagoville Detention Unit.....	6/92	150	40	9	2,276	
Estill, SC FCI with Camp.....	7/92	1,000	368	62	14,640	
Florence, CO Complex (equipment only).....	10/92	1,430	372	210	5,400	
Acquired facilities (minimum security).....					22,537	
Total, Activations.....		5,933	1,995	1,004	120,148	

Medical Services

The Federal Prison System is faced with the same escalation in medical costs that the general population has faced over the last decade. Actual medical costs have far surpassed budgeted cost escalation allowances. In addition, the aging of the federal inmate population and the increase in drug-related illnesses, particularly AIDS and kidney disease, are having a significant impact on the cost of medical care. As a result, for 1992 the Federal Prison System is requesting a total of 6 positions, 3 workyears, and \$8,894,000 to support increased contract medical costs, and to provide for AIDS and kidney dialysis treatment. Failure to provide competent, timely medical care will lead to costly inmate litigation and legal intervention.

Drug Abuse Treatment

In response to the rapid growth in the number of offenders in the Federal inmate population with drug abuse histories, FPS has developed a comprehensive drug abuse treatment strategy. This strategy, once fully implemented, will consist of five components: drug abuse education, drug abuse counseling services, a comprehensive residential program, a pilot research program and transitional services.

Implementation of the Drug Abuse Treatment Proposal began in 1990 with the development of five comprehensive residential programs and three research programs. In 1991, FPS will expand the program further by fully implementing the education program and extending the comprehensive residential program to all inmates. In 1992, FPS will expand the program by fully implementing the counseling services program and providing transitional services to all inmates completing an institution-based treatment program.

Employee Development

The Federal Prison System is experiencing the largest expansion in its history. Over the next five years, the current staffing level of 17,000 employees is expected to double. Likewise, the number of employees requiring training will also double, from 7,500 to approximately 15,000. While it is anticipated that the majority of the introductory training will continue to be accomplished at the Federal Training Center, Glynn, Georgia, FPS will require an additional \$1,425,000 in 1992 for employee development training. These resources will allow FPS to provide Physician Assistant certification, training/certification of Drug Abuse Treatment specialists and evaluate future training needs.

Contract Confinement

An additional \$10,000,000 is requested to contract with State and local governments for 455 additional beds in 1992. These beds will be used for juveniles, adult offenders and those serving short-term sentences. Obtaining these additional contract beds is a cost-effective means of helping to reduce institution-based overcrowding.

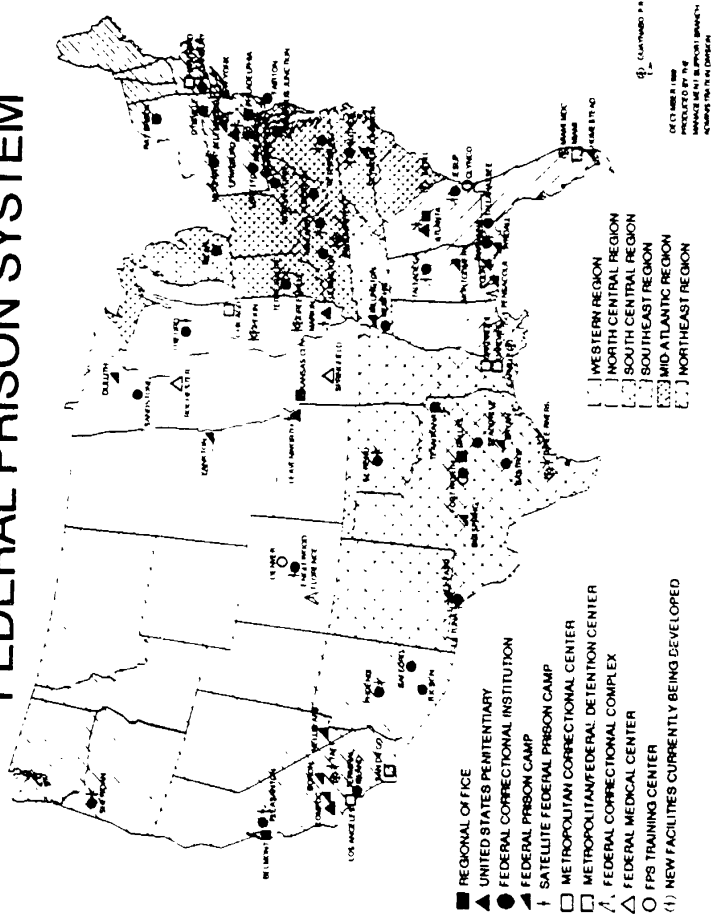
Financial Management Information System

A program increase of \$417,000 is necessary to support the Department's implementation of the Administration's "Management Priorities for the 1992 Budget". The funding will be used to consolidate, upgrade and modernize a single integrated financial management information system.

National Fitness Center Conversion

Finally, the request includes a program increase of \$69,000, 1 position and 1 workyear to support the Department's conversion to the Department of Agriculture Payroll/Personnel System.

FEDERAL PRISON SYSTEM



Federal Prison SystemSalaries and expensesJustification of Proposed Changes in Appropriation Language

The 1992 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$300 of which 90) are for replacement only) and hire of law enforcement and passenger motor vehicles; (\$1,327,653,000). Provided, that there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions; Provided further, that the amount of such expenditures shall not exceed the amount available for the current fiscal year; Provided further, that not to exceed \$35,000 shall be available for official reception and representation expenses.

37% of which 12%
and for the provision of technical assistance
and advice on corrections related issues to
foreign governments: \$1,727,835,000

\$6,000
\$120,149,000 for the activation of new
facilities shall remain available until
September 30, 1992

(18 U.S.C. 3559, 3559, 3651, 4001, 4003, 4007, 4008, 4011, 4041, 4042, 4081, 4082, 4251, 4251, 4251, Department of Justice Appropriations Act 1991)

Section 5001, Department of Justice Appropriations Act 1991.

18 U.S.C. 3551, 3551, Department of Health and Human Services Appropriations Act, 1991)

Explanation of Changes:

1. Recent changes in the international scene has increased the number of international requests for technical assistance from the Federal Bureau of Prisons. These include requests from Eastern European nations seeking more humane treatment of prisoners with greater safeguards for individual rights. Current authority would be made explicit by this language.

2. Finally, the Federal Prison System is requesting authority that would permit the carryover of resources to activate new facilities into the following fiscal year to allow for delays in activation.

Federal Prison System

Salaries and expenses

Crosswalk of 1991 Changes
(Dollars in thousands)

Activity/Program	1991 Request		Congressional Action 1/		Reprogramming 2/		Proposed		1991 Appropriation		Anticipated	
	Pos.	MT	Pos.	MT	Pos.	MT	Pos.	MT	Pos.	MT	Pos.	MT
Inmate care, custody and programs:												
Inmate Care.....	3,439	2,756	(19)	0	(83,293)	(63)	(34)	(81,948)	(4410)	3,357	2,722	\$300,116
Institution Security.....	9,102	7,694	(69)	0	(2,080)	(305)	(179)	(5,664)	1,950	8,778	7,715	305,729
Unit Management.....	2,829	2,490	(16)	0	(1,565)	149	138	1,050	(390)	2,942	2,628	126,607
Inmate Programs.....	1,503	1,238	(20)	0	(794)	33	(56)	772	(232)	1,516	1,182	80,350
Subtotal.....	16,873	14,378	(124)	0	(7,672)	(186)	(131)	(5,790)	(2,982)	16,563	14,247	812,802
Institution administration and maintenance:												
Institution Administration.....	2,294	2,134	(32)	0	(3,197)	0	0	(1,065)	(270)	2,262	2,134	170,242
Staff Training.....	337	256	1	0	(263)	0	0	(36)	(36)	358	256	21,138
Institution Maintenance.....	1,658	1,457	(16)	0	(2,782)	78	72	(1,005)	(315)	1,750	1,521	181,213
Subtotal.....	4,339	3,859	(47)	0	(6,242)	78	72	(1,005)	(621)	4,370	3,911	372,593
Contract Confinement.....	211	174	2	0	(42)	7	0	(603)		220	194	92,172
Program Direction:												
Executive Direction.....	459	437	0	0	(37)	70	39	4,283	0	529	476	26,981
Administrative Services.....	387	367	0	0	(46)	31	20	2,512	0	418	387	49,090
Subtotal.....	846	804	0	0	(83)	101	59	6,795	0	947	863	76,071
TOTAL.....	22,269	19,215	(169)	0	(14,039)	0	0	(4,205)		22,100	19,215	1,353,638

1/ This reflects a reduction of \$12,039,000 due to the delay in activating the Manchester, CT, FCI and a reduction of \$2.0 million in additional positions to address overcrowding.

2/ This reflects the permanent effect of \$6,795,000 resulting from the 1990 reprogramming.

3/ This proposed reduction of \$4,205,000 will fund emergency supplemental transfers to the following Department of Justice agencies: Civil Rights Division (\$2,866,000); Criminal Division (\$314,000); and U.S. Marshals Service (\$1,025,000).

Federal Prison System
HEALTH SERVICES
Summary of Expenditures
(Dollars in thousands)

Estimates by Program	1990 as Enacted			1990 Actual			1991 Appropriation Initiated			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Inmate care, custody and																		
Program:																		
Inmate care.....	2,006	2,156	824,629	1,904	1,835	834,439	3,357	2,232	830,116	3,357	3,178	834,249	3,444	3,336	840,144	290	161	862,191
Inmate custody.....	7,347	6,744	243,623	6,798	6,537	255,404	8,728	7,715	305,729	8,728	8,545	341,982	9,543	8,997	346,026	815	432	24,074
Unit management.....	2,317	2,122	99,502	2,432	2,234	99,504	2,962	2,628	126,607	2,962	2,675	161,295	3,258	3,019	164,753	296	144	21,458
Inmate programs.....	1,163	1,018	64,990	1,077	919	58,304	1,516	1,182	80,350	1,516	1,349	92,317	1,665	1,415	101,601	149	66	9,284
Subtotal.....	13,333	11,940	871,344	12,292	11,445	858,853	16,563	14,247	812,802	16,563	15,864	938,813	18,132	16,767	1,055,820	1,569	803	117,067
Institution administration																		
Program:																		
Administration.....	1,682	1,713	160,359	1,735	1,540	160,487	2,262	2,134	170,242	2,262	2,426	197,613	2,630	2,613	225,840	368	187	28,227
Staff training.....	173	165	15,249	181	151	26,179	358	256	21,138	358	349	26,131	374	356	29,999	16	7	3,868
Maintenance.....	1,370	1,226	151,397	1,395	1,298	161,162	1,750	1,521	181,213	1,750	1,678	200,766	1,878	1,738	231,051	128	60	50,285
Subtotal.....	3,225	3,084	327,005	3,311	2,989	347,828	4,370	3,911	372,593	4,370	4,453	424,510	4,882	4,707	486,890	512	254	62,360
Contract confinement.....	177	151	87,735	176	153	87,960	220	194	92,172	220	210	95,833	220	210	112,519	0	0	16,686
Program direction:																		
Executive direction.....	409	397	19,627	558	435	22,908	529	476	26,981	529	500	29,430	529	500	29,430	0	0	0
Administrative services.....	327	320	62,894	428	150	43,295	418	337	49,090	418	415	52,690	419	416	53,176	1	1	466
Subtotal.....	736	717	62,521	1,014	785	68,203	947	863	76,071	947	915	82,120	948	916	82,606	1	1	466
TOTAL.....	17,471	15,893	1,128,805	16,793	15,382	1,120,844	22,100	19,215	1,333,638	22,100	21,542	1,341,276	24,202	22,600	1,737,835	2,102	1,058	196,559
Reimbursable workyears.....																		
Total workyears, celling.....	127			127			127			127			127					0
Other workyears.....	16,019			15,509			19,342			21,469			22,727					1,058
Holiday.....	326			283			209			209			216					7
Overtime.....	342			786			593			593			614					21
Total compensable workyears.....	16,685			16,578			20,144			22,471			23,557					1,066

Acquire and provide an adequate supply of clothing, footwear, linens, toiletries and stationery items for distribution to the inmate population.

Maintain laundry and clothing issue/return operations and the Inmate Trust Fund.

Base Program Description: The Federal Prison System (FPS) continues to provide three nutritional meals daily. These meals are certified for nutritional adequacy by registered dietitians and are well within the Recommended Dietary Allowances of the Department of Agriculture's National Research Council. Meal preparation is accomplished primarily by inmate workers (about 10 percent of the population) under the supervision of staff. The United States Penitentiary at El Paso, CA and the Federal Correctional Institution at El Reno, OK utilize available land resources in the limited production of beef and milk. Farm products are consumed at the producing institutions and are also shipped to nearby institutions to offset their need to purchase some products on the open market.

Medical services are provided by a variety of professional and para-professional health care personnel including physicians, dentists, nurses, pharmacists and physician assistants. Within 15 days of admission all newly sentenced inmates receive a complete physical, mental health and dental examination. Sick calls which include examinations of patient complaints, ordering and assessment of diagnostic tests and medical treatment plan is conducted five days a week. Medical emergencies during other than normal working hours or on weekends and holidays are handled on an on-call basis. If an inmate has a health condition which is beyond the professional capability of the institution's medical staff, the inmate is referred to a contract physician or hospital in the community or one of the Bureau's medical referral centers.

The Medical Center for Federal Prisoners (MCFP) at Springfield, MO is the major medical referral center for the Federal Prison System. There are five additional regional medical centers within the FPS health care delivery system. The Federal Medical Center (FMC), Rochester, NY accepts referrals of both male and female specialty medical, surgical and psychiatric cases made nationwide. The Federal Correctional Institution (FCI), Turner, NC provides for male psychiatric cases. FCI, Lexington, KY handles female medical, surgical, and psychiatric cases nationwide. Also, selected chronic (disabled, handicapped, geriatric) cases are referred to Lexington on a nationwide basis. FCI, Terminal Island, CA accepts referrals of both male and female medical and surgical and male psychiatric cases primarily from the Western Region. Finally, FCI, Fort Worth, TX accepts referrals for male inmates with chronic disease and in need of long term care.

The U.S. Public Health Service continues to provide personnel in support of the Federal Prison System medical program. Medical, surgical, and rehabilitative services not available in FPS medical facilities, are provided to inmates through contract arrangements with community hospitals and/or governmental health facilities. Increasing numbers of Federal inmates are requiring medical care, primarily as a result of the population explosion, general aging of the population and the increased numbers of inmates with a history of drug abuse. Specifically, the Federal Prison System has experienced increased numbers of drug related medical conditions such as AIDS and kidney disease.

The Federal Prison System maintains an inventory of clothing, footwear, toiletries, linens and writing supplies for issue to all inmates during incarceration. Clean clothing and linens are issued weekly in exchange for clothing and linens to be laundered. A laundry operation is maintained to clean all clothing and linens. All services are performed with inmate labor under staff supervision.

In addition, FPS maintains an Inmate Trust fund account for all monies on deposit for each inmate. Monthly inmate earnings received for work with Federal Prison Industries, performance pay, and money from family, friends or other sources during visits or via the mail are deposited directly to each inmate's account. Inmates can withdraw funds when needed to make purchases from the commissary, send money to family members, pay for legal services or pay for supplies to participate in programs such as college courses or leisure activities.

Accomplishments and Workload: Actual and estimated accomplishments of the Inmate Care Program are presented in the following tables:

	Estimates	
	1991	1992
Food and Farm Services:		
Meals provided (Daily).....	151,134	166,221
Average cost per inmate per day.....	\$4.21	\$5.05
Percent of Recommended Dietary Allowance.....	100%	100%
Number of farms operated.....	2	2
Value of farm products (in thousands).....	\$1,900	\$2,500
Medical Services:		
Total Outpatient Visits (yearly).....	3,844,692	4,116,840
Average Number of Outpatient Visits (daily).....	14,703	15,834
Average Daily Patient Load.....	1,479	1,586
Average Length of Stay.....	37	36
Hospital Days per Inmate per Year.....	9.3	9.1
Human Immunodeficiency Virus (HIV) Tests.....	26,486	33,000
Other Inmate Services:		
Supply of clothing/footwear.....	254,700	295,200
Supply of linens.....	377,900	434,582
Laundry manhours.....	19,500	21,500
Inmate Trust Fund collections (\$ in 000's).....	\$66,849	\$68,557
Inmate Trust Fund disbursements (\$ in 000's).....	\$82,240	\$89,411

The FPS has 24-hour or 16-hour medical coverage, as appropriate, at all of its institutions. The MCP, Springfield, MO; the FMC, Rochester, NY; and the FCI's Lexington, KY; Butner, NC; Fort Worth, TX; and Terminal Island, CA have maintained accreditation by the Joint Commission on Accreditation of Healthcare Organizations.

The Presidential Commission on the HIV epidemic acknowledged the Bureau's HIV program as a model in corrections through continued emphasis on education, follow-up and monitoring of the prevalence of HIV infection within the inmate population. A sample of new commitments shows a relatively stable .9% of incoming inmates as HIV positive and few seroconversions beyond six months. However, with the population growth during 1990, the FPS has provided care and treatment to an increasing number of AIDS patients. This trend is expected to accelerate as a result of changes in sentencing guidelines and mandatory sentencing.

During 1990, the FPS continued a National Wellness Program for staff. The program provides information, education, and assistance. Proper nutrition, weight management and smoking cessation are a few of the areas emphasized by the Wellness Program.

Program Changes:	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	VI	Pos.	VI	Pos.	VI

Inmate Care.....	3,357	3,175	\$341,249	3,646	3,356	\$403,440	289	161	\$42,191
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The request includes \$21,437,000 to provide for a projected increase in the average daily population of 9,140 from 62,455 in 1991 to 71,590 in 1992. Within this amount, \$9,991,000 is for food supplies, \$9,065,000 is for medical services and supplies and \$2,381,000 is for clothing, footwear, bedding, toiletries, etc. In addition, 283 positions, 158 workyears and \$31,860,000 are included to provide resources to activate new facilities in 1992 as follows:

Facility:	Estimated Activation Date	Food and Farm Service		Medical Services		Other Inmate Services	
		Pos.	WT	Pos.	WT	Pos.	WT
Seymour Johnson, NC Camp Expansion, 300 beds.....	10/91	11	7	11	7	11	1
Brooklyn, NY Interim Detention Facility, 500 beds.....	11/91	12	10	10	17	2,573	1
Altamonte, FL Complex, (low security only) 1,000 beds.....	4/92	12	6	1,101	20	2,573	1
Guantanamo, Puerto Rico FCI, 750 beds.....	4/92	12	6	1,101	20	2,573	1
San Antonio, TX FCI, 1,000 beds.....	6/92	3	1	183	2	1	1
Oakdale II Detention Unit, 128 beds.....	6/92	4	4	607	2	804	1
Big Spring Satellite Camp, 150 beds.....	6/92	3	1	216	2	267	1
Lyndall Camp Expansion, 75 beds.....	6/92	1	1	116	1	132	1
Memphis Detention Unit, 150 beds.....	6/92	4	1	258	2	309	1
Seagoville Detention Unit, 150 beds.....	6/92	4	1	258	2	309	1
Estill, SC FCI with Camp, 1,000 beds.....	7/92	16	3	1,508	24	1,913	2
Florence, CO Complex (equipment only).....	10/92	...	...	...	...	1,080	...
Acquired facilities, (minimum security) 1,450 beds.....	...	33	17	2,456	43	32	3
Total, Activations (5,933 bds).....		115	58	10,742	154	18,001	14
							3,117

The Bureau is currently utilizing all of its existing health care capacity. Medical, surgical and rehabilitative services not available in FPS medical facilities, must be provided through contract arrangements in the community. In recent years, outside medical costs have skyrocketed, resulting in funding provided by population increases and inflation being inadequate. The Consumer Price Index indicates an inflation rate of about 6.6 percent per year during this period. The 1992 base of \$40,107,000 added to the average daily population adjustment of \$5,869,000 totals \$45,976,000. The 1992 request of \$2,000,000 represents an additional 4.4% increase.

The budget also includes \$6,142,000 for AIDS treatment. This will cover the cost for approximately 1,167 inmates to receive Stage IV HIV treatment as well as the expense of the treatment itself. An additional \$3,000,000 is requested for the purchase of a new dialysis machine and the purchase of a new dialysis machine. Of this amount, \$500,000 is for equipment. Inmates requiring kidney dialysis have increased from 9 to 27 in ten years. The Bureau's existing kidney dialysis equipment has reached its maximum capacity. There is a strong relationship between kidney disease and the use of drugs. With the increased emphasis on drug enforcement, we believe that the number of inmates requiring kidney dialysis will increase.

Also, the 1992 request includes \$1,178,000 in the decision unit "Staff Training" to provide for Physician Assistant Certification.

1991 Appropriation Anticipated	1992 Base		1992 Estimate		Increase/Decrease		
	Pos.	WT Amount	Pos.	WT Amount	Pos.	WT	
Institution Security.....	8,728	8,565	8,728	8,565	8,583	8,432	\$24,074

Long Range Goal: Provide institution security, inmate control, and inmate supervision to assure maximum protection for the community, staff, and inmates consistent with program requirements in all FPS facilities.

Major Objectives:

Reduce or minimize the situations and opportunities which can lead to prohibited acts such as escapes, homicides, assaults, suicides, and drug transactions.

Maintain an effective transportation system for prisoners in conjunction with the U.S. Marshals Service.

Base Program Description: All institutions are assigned a security classification based in part on the physical design of each facility. The Bureau currently reduced the six level security classification system to four security levels. The four new security levels are minimum, low, medium and high. Additionally, there is an administrative category for specialized populations such as pre-trial, medical, etc. Offenders are assigned a custody status which relates to the degree of supervision needed and ensures that offenders are placed in the least restrictive and least expensive correctional environment. From a security and custody standpoint, offenders are assigned to an institution. The result is a grouping of offenders with similar custodial needs in an institution. This significantly reduces the mixing of predatory and non-predatory offenders.

Within each institution, correctional officers are assigned to security posts which are primarily established on the basis of structural/visual considerations. The two basic categories of security are perimeter security and internal security. Perimeter security consists of walled or fenced perimeter, supplemented by manned guard towers, razor wire strung between a double fence, high mast lighting to illuminate the perimeter, perimeter patrolls and highly technical equipment such as alarm systems and video surveillance. Entrances through the perimeter are controlled by a series of gates, both electrical and manual, supplemented by metal detection systems and search procedures for weapon and contraband control. For all practical purposes, all other security measures, processes and activities can be called internal security, commencing when an inmate is committed and terminating upon his/her release. Supervision of inmates is provided in living units, visiting areas, dining halls, recreation areas, and any other area where inmates may be located or have access to.

Regularly scheduled counts are conducted several times a day in all institutions in order to monitor inmates whereabouts. Work supervisors and program personnel are held strictly accountable for all inmates under their supervision.

Violations of institution regulations are dealt with through the inmate disciplinary process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Discipline Committee, which usually consists of a unit manager, case manager and a correctional counselor. Depending on the seriousness of the charge, the Unit Committee may hear and decide the case or refer it to the Institution Discipline Committee for hearing and decision. An administrative remedy process provides for appeals to decisions of the Committee.

The Administrative Detention Program provides for the separation of offenders from the general population who require special protection and for those who pose a serious escape risk or threat to the security and orderly operation of the institution. The Disciplinary Segregation Program provides for segregation of offenders who have committed serious prohibited acts within the institutional setting. Inmates are held in segregation only after a due process hearing where the inmate is given the opportunity to rebut the charges.

In coordination with the United States Marshals Service, the Federal Prison System maintains a prisoner transportation system including the transportation of Witness Security Inmates.

Accomplishments and Workload: Actual and estimated accomplishments of the Institution Security Program are presented in the following table:

	1989	1990	1991	1992
Successful confinement rate.....	98.5%	98.5%	98.5%	98.5%
Incapacitation rate.....	99.5%	99.5%	99.5%	99.5%
Security staff coverage rate.....	87%	90%	94%	96%
Staff to inmate ratio.....	1:72	1:68	1:64	1:64
Morning watch (midnight to 5:00 AM).....	1:26	1:24	1:21	1:21
Day watch (5:00 AM to 5:00 PM).....	1:40	1:35	1:29	1:29
Evening watch (4:00 PM to midnight).....				

The successful confinement rate is the percent of those inmates who will not be involved in assaults, homicides and suicides. The incarceration rate is the percent of inmates confined who will not escape. As illustrated in the table on the previous page, FPS continues to minimize the situation and opportunities which lead to prohibited acts. In 1990, only one percent of the FPS average daily population were involved in assaults, homicides, suicides and escapes.

FPS establishes institution staffing guidelines through ongoing full-field reviews which consider the institution's security level, posts such as front entrance, control room, housing units, segregation/detention, visiting rooms, perimeter security activities areas, etc., and rated capacity and overcrowding level. The security staff coverage rate is the percent of institution posts that can be covered with available staff (workyears). Covering all posts improves security and is a factor in reducing the incidents of negative inmate behavior.

It should be emphasized that the Institution Security Program is on a twenty-four hours per day/seven days per week basis. Staff, as measured in workyears, must be distributed between three work shifts as referred to in the above workload table as the morning, day, and evening watch. Thus, a presentation of an overall security staff to inmate ratio of 1:8 in 1991 would be totally misleading. As indicated in the above table, an FPS facility on the average could expect a security staff to inmate ratio of 1:64 on the morning watch, 1:21 on the day watch and 1:29 on the evening watch. In reality, even these ratios are misleading because the staff on duty are assigned to different posts, e.g., control room, housing units, perimeter security, etc. An officer assigned a housing unit post can expect a 1:150/200 staff to inmate ratio.

The U.S. Penitentiary at Marion, IL continues to house the 350 most dangerous offenders in the Federal Prison System. Approximately 25 percent of the Marion population is now housed in units whose operation approximates those of other Federal Penitentiaries. Assault rates have dramatically decreased at Marion. In addition, we believe that Marion serves as a disincentive to assaultive behavior by inmates in other institutions.

The Federal Prison System continues to incarcerate approximately 1,550 Mariel Cuban criminals for the Immigration and Naturalization Service. These Mariel Cubans face indefinite incarceration and are an extremely volatile and disruptive force in the Federal prisons. The Mariel Cubans were responsible for the 1987 riots at the U.S. Penitentiary, Atlanta, GA, and the Federal Detention Center, Oakdale, LA, which resulted in massive destruction of Federal property. The detention of Mariel Cuban criminals continues to present a long-term problem to both the Federal Prison System and the Immigration and Naturalization Service.

During 1990, the prisoner transportation system handled 127,053 moves, an increase of 20,000 over 1989. In addition, approximately 250 Witness Security cases were relocated without incident.

Program Changes:	1992 Base		1992 Estimate		Increase/Decrease	
	Per. Pos.	MT Amount	Per. Pos.	MT Amount	Per. Pos.	MT Amount
Institution Security.....	8,728	8,565 \$361,952	9,583	8,997 \$386,026	855	432 \$24,074

The request includes \$2,049,000 to provide for security supplies associated with a projected Federal inmate population increase of 9,140 from 62,450 in 1991 to 71,590 in 1992.

In addition, the request includes 855 positions, 432 workyears and \$22,025,300 to provide resources to activate new facilities in 1992 as follows:

Facility:	Estimated Activation Date	Institution Security	
		Pos.	MT Amount
Seymour Johnson, NC Camp Expansion, 300 beds.....	10/91	44	33 \$1,470
Brooklyn, NY Interim Detention Facility, 500 beds.....	11/91	146	123 3,774
Allenwood, PA Complex (Low security only) 1,000 beds.....	4/92	158	79 3,774
Guantanamo, Puerto Rico IFC, 750 beds.....	4/92	156	78 3,774
Terre Haute Segregation Unit, 100 beds.....	6/92	9	2 179
Quincy II Detention Unit, 378 beds.....	6/92	20	20 1,080
Big Spring Satellite Camp, 150 beds.....	6/92	10	2 191
Trinidad Camp Expansion, 75 beds.....	6/92	6	1 114
Memphis Detention Unit, 150 beds.....	6/92	13	3 260
Seagoville Detention Unit, 150 beds.....	6/92	13	3 260
Estill, SC FCI with Camp, 1,000 beds.....	7/92	165	28 1,961
Florence, CO Complex (equipment only).....	10/92	...	810
Acquired facilities, (minimum security) 1,430 beds.....		114	60 4,369
Total, Activations (5,933 beds).....		855	432 22,025

1991 Appropriation				1992 Estimate				Increase/Decrease				
Anticipated				Base				Perm.				
Pos.	MT	Amount		Pos.	MT	Amount		Pos.	MT	Amount		
Unit Management.....	2,962	2,628	\$126,607	2,962	2,875	\$143,295	3,258	3,019	\$164,753	296	144	\$21,458

Long Range Goal: To establish a safe, humane environment which minimizes to the extent possible, the detrimental effects of confinement; and to provide a variety of counseling programs which are most likely to aid inmates in a successful adjustment to the institution and, upon release, a successful return to the community.

Major Objectives:

- Subdivide the inmate population into small well-defined and manageable groups whose members develop a common identity from close association with each other and their unit staff.
- Increase the frequency of contacts and improve relations between staff and inmates.
- Ensure that decisions regarding inmates are made by staff most closely associated with those inmates, increasing the quality and swiftness of the decisions.
- Provide opportunities for individual and group counseling in each unit.
- Provide drug abuse programs for inmates who have the need and motivation to participate.

Base Program Description: The purpose of the Unit Management program is to improve inmate control and establish healthy relationships between staff and inmates by dividing the large institution population into smaller, more manageable groups. A team of multi-disciplinary staff who have administrative and supervisory authority in most institutional aspects of programming and living are permanently assigned and located in the unit to work with the inmates. This places services closer to the users and permits decision-making by those who are most knowledgeable of the inmates and

their programs. The increased interaction between inmates and staff enhances communication and understanding of inmate needs to a level not possible in a centralized correctional environment. The program is carried out through the proper classification of inmates and development of inmate programs on the basis of need and motivation.

Accomplishments and Workload: Actual and estimated accomplishments of the Unit Management program are presented in the following table:

	1989	1990	Estimates
			1991
Average daily population.....	50,378	55,407	62,450
Number of Units.....	323	335	385
Counseling Hours.....	821,978	904,176(est)	1,019,000
Initial Classification Studies.....	6,743	7,417(est)	8,350
Study & Observation Reports.....	804	884	996
Transfer Reports.....	14,962	20,717	23,350
CCC Referral Reports.....	9,355	10,764	12,130
Furloughs Processed.....	5,776	6,354	7,160
Releases.....	9,208	10,128	11,415
			13,080

In 1990 the Bureau established an Intensive Confinement Center at Lewisburg, Pennsylvania. This is a specialized facility with a program that provides a working balance between a military boot camp approach and the traditional correctional values of the Federal Bureau of Prisons. This program involves a very intensive, highly structured environment while maintaining the Bureau's basic philosophy of being "firm but fair" in the treatment of inmates. Inmates who meet the criteria to participate are placed in this program for six months.

The Female Offender Section was created in the Correctional Programs Division in response to increased public inquiries and the growing numbers of female offenders.

The Federal Prison System has virtually met its goal of establishing functional unit management in most of its facilities. However, because of the rapid growth in population, it has become necessary in some instances to return to a centralized management system or to administratively combine two units into one larger unit under the supervision of one unit manager.

In response to the rapid growth in the Federal inmate population with drug abuse histories, FPS has developed a comprehensive drug abuse treatment strategy, consisting of five components: drug abuse education, drug abuse counseling services, a comprehensive residential program, a pilot research program and transitional services.

The Drug Abuse Education Program, which can also be described as being of "low-intensity", is the minimum level of drug abuse treatment available to Federal inmates. It involves a non-residential, information-oriented approach with limited treatment opportunities and is considered "mandatory" for all inmates with a substance abuse history. By the end of 1991, the Bureau plans to have drug abuse education programs in place in all of its institutions.

Drug Abuse Counseling Services consist of both group and individual therapy delivered from a centralized psychological services location within the institution. These services offer flexibility and service delivery to those who are unwilling or unable to enroll in a residential treatment program. These are also supporting services offered to those who have completed the residential program, yet have time remaining to serve, prior to release to the community in a transitional services program.

The Comprehensive Residential Program, also known as the "moderate-intensity" program, was designed for inmates volunteers with a moderate to severe level of drug abuse, who have completed a drug abuse education program and are within the first 15 to 24 months of their sentence. This unit-based and involves intensive individual and group counseling and assessments by psychological services staff. The program is currently operating at 19 units. By the end of 1990, there were five comprehensive residential programs at the following locations: FCI Fairton, NJ; FCI Oxford, WI; FMC Rochester,

W; FCI Sheridan, OR; and FCI Seapville, TX. Additionally, by the end of 1991, plans include comprehensive residential programs in up to one-third of Bureau institutions. In support of the new drug treatment initiatives, the Bureau has recently allocated an additional \$6 Drug Abuse Treatment Specialist positions throughout the agency, in order to dramatically expand the availability of both counseling and education programs at all facilities.

The Pilot Research Program which is "high-intensity" is based on state of the art knowledge of effective treatment approaches and is used extensively for research purposes. It is similar to the comprehensive residential program described above, but involves a more intense level of treatment over a longer period of time. By the end of 1990, there were three research programs in the Bureau at the following locations: FCI Tallahassee, FL; FCI Turner, NC; and FCI Lexington, KY.

Transitional Services are planned for the first six to 12 months following release from incarceration, which is the most critical time frame in an inmate's adjustment back into society. As a result, all inmates completing a comprehensive residential or research program are required to participate in aftercare services upon release. This component of the drug abuse program typically consists of six months in a CCC with specialized aftercare treatment followed by six months of aftercare in which community services are coordinated by the Bureau.

Program Changes:	1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Unit Management.....	2,962	2,875	\$143,295	3,258	3,019	\$164,753	296	144	\$21,458

The request provides an additional \$2,148,000 for contract services and supplies associated with the projected population increase of 9,140 from 62,450 in 1991 to 71,590 in 1992. In addition, this level includes 197 positions, 94 workyears and \$14,048,000 to activate or expand this program at the following facilities scheduled for completion during 1992.

Facility:	Estimated Activation Date	Unit Management	
		Pos.	WT
Seymour Johnson, NC Expansion, SL-1, 300 beds.....	10/91	11	7
Brooklyn, NY Interim Facility, 500 beds.....	11/91	26	22
Allenwood, PA Complex, 1,000 beds.....	4/92	26	13
Guantanamo, Puerto Rico FDC, SL-A, 750 beds.....	4/92	26	13
Terre Haute Segregation Unit, SL-A, 100 beds.....	6/92	5	1
Oakdale II Detention Unit, SL-A, 328 beds.....	6/92	11	11
Big Spring Satellite Camp, SL-1, 150 beds.....	6/92	6	1
Tyndall Camp Expansion, SL-1, 75 beds.....	6/92	3	1
Memphis Detention Unit, SL-A, 150 beds.....	6/92	6	1
Seagoville Detention Unit, SL-A, 150 beds.....	6/92	6	1
Estill, SC FCI with camp, SL-1/3/4, 1,000 beds.....	7/92	37	6
Florence, CO Complex.....	9/92	...	...
Acquired facilities, SL-1, 1,430 beds.....	10/92	33	17
Total, Activations (5,933).....		196	94

14,048

In 1992, the Bureau of Prisons is requesting 100 positions, 50 workyears and \$5,262,000 to expand the comprehensive residential program to over 50 percent of all federal institutions.

In addition, the 1992 request includes \$300,000 in the decision unit "Staff Training" to provide training/certification of Drug Abuse Treatment Specialists and \$6,686,000 in the decision unit "Contract Confinement" to provide transitional services to inmates.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT
Inmate Programs.....	1,516	1,182	\$80,350	1,516	1,349	\$92,317	1,665	1,415	\$101,601	149	66
<p>Long Range Goal: Provide general and occupational education opportunities to all inmates desiring or required to participate; provide federal offenders with a full range of recreation and leisure activities to improve their physical and mental health and promote the development of personal, interpersonal and social skills to better enable them to cope with the psychological and physical impact of their incarceration; provide all prisoners with reasonable and equitable opportunities to pursue individual religious beliefs and practices within the constraints of confinement and;</p> <p>Provide immediate and long-term psychological care for federal inmates with mental health problems and assist in the decision making of the courts, prison administrators and parole officials.</p> <p><u>Major Objectives:</u></p> <p>Provide education programs designed to meet inmate needs for functional literacy, high school equivalency, English language proficiency, adult continuing education, career assessment and counseling, and personal growth and to enhance their employability upon release.</p> <p>Maintain education program certification or accreditation by regional Associations of Colleges and Schools or other appropriate accrediting agencies.</p> <p>Provide a variety of indoor and outdoor physical, cultural, and related leisure activities with opportunities to enhance personal wellness and belong to social and other groups.</p> <p>Make available the appropriate worship services of the various religious disciplines represented within the inmate population and provide a variety of non-worship religious program options.</p> <p>Provide psychological screening for every inmate admitted to the FPS.</p> <p>Provide psychological care to inmates admitted to inpatient mental health program.</p> <p>Provide psychotherapy and crisis intervention counseling.</p> <p>Provide employee assistance programs.</p> <p>Provide psychological evaluations requested by the courts, parole officials, and prison administrators.</p> <p>Continue drug abuse and alcohol abuse special treatment programs.</p> <p>Provide staff training in mental health areas.</p> <p><u>Base Program Description:</u> Inmate programs include general and occupational education programs, leisure time activities and religious and psychology services.</p>											

General education programs are designed to meet specific inmate needs for functional literacy, high school equivalency, continuing education, and personal growth. There are seven major components of the general education program: Adult Basic Education, General Educational Development, Adult Continuing Education, English as a Second Language, Postsecondary Education and Life Skills.

The Adult Basic Education is designed for the 25 percent of the inmate population having less than an eighth grade education. The General Educational Development component is for the nearly 50 percent of federal offenders who lack a high school diploma and consists of high school equivalency courses and general equivalency examinations. The GED literacy standard was piloted in 10 federal correctional facilities, and it is anticipated that the standard will be implemented Bureau-wide in 1991. Adult Continuing Education courses are designed for inmates who have a desire to "brush up" in a special area or enroll in a special interest program, e.g., speed reading, English, mathematics, contemporary issues, history and foreign language. English as a Second Language (ESL) is offered in those institutions where English is not the primary language for a significant number of inmates. Postsecondary Education courses are for inmates who have successfully completed high school and want to further their education, e.g., drafting, computer technology, data processing, and dental technology. The Life Skills component helps inmates develop a positive self-image and adequate social skills.

Occupational education programs serve to enhance the employability of offenders upon release, particularly those who either lack solid employment history or a salable skill. The majority of federal offenders are unskilled at the time of commitment to prison. Federal offenders can choose a vocation, through instruction, work experiences, and career orientation; acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial-technical world of work.

A wide variety of leisure time activities are offered at each federal prison including indoor and outdoor individual athletic and sports activities, arts and crafts, music and drama activities, movies and frequently, guest performances. Information and structured classes are provided on nutrition, physical and mental health and overall personal wellness.

Chaplaincy personnel conduct the religious services of their particular faith group and arrange for the delivery of religious services of other faith groups. Approximately 250 contracts are issued annually for the delivery of services of the smaller faith groups and other related religious services. Chaplains also recruit, train, supervise, and sustain approximately 3,500 volunteers from the community who regularly visit the institution to participate in the religious programming. Over 13,000 religious worship services are conducted each year representing the various religious disciplines within the prisoner population. In addition to worship services, chaplaincy personnel offer a wide variety of non-worship religious program options.

Psychology staff are an integral part of correctional treatment administering programs of group and individual psychotherapy, crisis intervention, personal development classes, and staff consultation/training. Policy requires that every inmate admitted to a FFS facility be given an initial psychological screening which consists of psychological testing, psychological interviews, social history reviews, and behavioral observation. The purposes of the screening are to identify special treatment and/or referral needs; provide information useful in future crisis-counseling situations; identify strengths as well as potential adjustment problems to imprisonment; and discuss possible program needs with the inmates and provide information about them.

Both individual and group psychotherapy is available to inmates who express a desire and evidence need for it. Training and orientation programs are also offered for developing "life competency skills" including communication, assertiveness, self-image, interpersonal relationships, conflict resolution, problem solution and moral development. Short-term crisis counseling has been acknowledged by mental health professionals as a powerful, viable skill. FFS psychologists have expertise in this area and have been providing such services in various institutional settings. FFS psychologists have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations.

Accomplishments and Workload: Actual and estimated accomplishments of this program are presented in the following table:

	1980	1990	Estimates 1991 1992
Education:			
Enrollments:			
Adult basic education.....	11,380	13,204	14,524 15,976
Adult continuing education 1/.....	17,503	19,433	21,512 24,000
General education development.....	3,933	5,928	8,000 10,000
Post secondary education.....	11,076	17,436	19,179 21,097
Occupational education.....	7,419	7,627	8,008 8,408
English as a second language.....	4,465	5,535	6,918 8,648
Completions:			
Adult basic education.....	10,138	11,872	13,059 14,365
Adult continuing education 1/.....	14,695	15,647	16,742 18,476
General education development.....	2,895	3,798	5,600 7,006
Post secondary education.....	8,530	12,636	13,900 15,290
Occupational education.....	10,931	9,740	10,714 11,785
English as a second language.....	1,536	2,462	3,078 3,867
Religious Services:			
Worship.....	14,800	14,800	16,428 18,235
Non-worship programs (represent monthly totals).....	19,200	19,200	21,312 23,656
Psychology Services:			
Business position evaluation.....	307	179	372 426
Courtine evaluations.....	2,360	2,985	3,285 3,615
Routine evaluations.....	47,620	58,652	64,510 70,960
Individual therapy sessions.....	44,580	57,396	63,135 69,450
Group therapy sessions.....	13,400	16,518	18,170 20,000
Participants in group therapy.....	38,000	47,709	52,480 57,730
Crisis intervention sessions.....	36,491	45,059	49,565 54,520
Suicide prevention evaluations.....	1,651	1,925	2,120 2,330
Personnel interviews.....	4,280	1,790	4,700 5,350
Employee assistance contacts.....	1,450	1,790	1,690 1,824
Staff training sessions.....	6,118	7,572	8,270 9,100
Unit team meetings.....	13,090	16,888	18,560 20,440

1/ Includes Life Skills component

All inmates except those specifically exempt, e.g., detained aliens, who function below the eighth grade level, are now enrolled in a mandatory Adult Basic Education program. Promotions to Industry and Institution jobs above the entry level depend on meeting the eighth grade level standard. Inmates who wish to be promoted to top pay positions must show prior attainment of a high school diploma or equivalency certificate. Approximately 4,000 General Education Development tests are administered annually. Post Secondary Education programs continue to have one of the highest retention rates of all education programs. Completion rates in college courses are in excess of 50 percent. Over 150 Federal prisoners earn college degrees annually, most of them AD degrees.

Education services at the Federal Correctional Institutions (FCIs) Alderson, WV; Danbury, CT; Milan, MI; Mordantown, WV; Oxford, VT; Safford, AZ and Tallahassee, FL; Pleasanton, CA; Sandstone, MI; Terminal Island, CA; Otisville, MI; Englewood, CO; Ray Brook, NY; the Federal Prison Camp, Boron, CA; United States Penitentiaries (USP's) Lewisburg, PA; Lompoc, CA; Terre Haute, IN; and Leavenworth, KS; and the Medical Center for Federal Prisoners at Springfield, MO are now accredited by the regional commissions of colleges and schools. In addition, accreditation procedures are in progress at several other institutions.

Apprenticeship programs have been expanded to over 300 training units in approximately 80 different trade classifications at 32 institutions. Approximately 500 inmates enroll in apprenticeship programs annually. Uniform curriculum performance standards have been established for adult basic education, machine shop and welding vocational courses. Computer assisted instruction (CAI) is available in most institutions. Twenty-six institutions use an integrated CAI system to supplement literacy, high school and related classroom instruction. This system can provide up to 2,000 hours of individualized instruction.

During FY 1990, a Chaplain Training Program was established at FCI, Englewood which offers clinical pastoral education in the correctional setting.

FPS continues to provide 100 percent of the psychological screening for every new admission, the psychological evaluations requested by the courts, and the crisis intervention counseling.

In 1990, the Suicide Prevention Program evaluated over 1,500 inmates for suicide risk.

During 1990, Bureau Psychologists conducted training in Hostage Negotiation, Victim Assistance, effects of victimization, critical incident debriefings, and Suicide Prevention. Psychologists also offer an extensive Employee Assistance program to all Bureau staff. A Work Group on Organizational Stress was established to examine the special concerns of Bureau employees. In addition, new pilot training programs are being developed to promote "Psychological Wellness." The number of employee contacts for assistance continues to exceed contacts in smaller agencies. The EAP helps to promote a "caring" philosophy among Bureau staff.

Program Changes:	1992 Base		1992 Estimate		Increase/Decrease				
	Perm. Pos.	MI Amount	Perm. Pos.	MI Amount	Pos.	MI Amount			
Inmate Programs.....	1,516	1,349	\$92,317	1,665	1,415	\$101,601	149	66	\$9,284

In 1992, FPS projects an average daily population of 71,590, an increase of 9,140 over the 1991 estimate of 62,450. Included in the request level is \$2,804,000 to provide supplies and contract services for the increased population as follows: Education, \$1,549,000; Leisure Activities, \$791,000; Religious Programs, \$286,000; and Psychology Services, \$178,000.

In addition, 149 positions, 66 workyears and \$6,480,000 are requested to permit the activation of new facilities scheduled in 1992 as follows:

Facility:	Estimated Activation Date	Education			Leisure			Religious			Psychology		
		Pos.	WT	Am.	Pos.	WT	Am.	Pos.	WT	Am.	Pos.	WT	Am.
Seymour Johnson, NC Camp Expansion, 300 beds.....	10/91	5	3	\$239	3	2	\$150	1	...	\$55	1	...	\$43
Brooklyn, NY Interim Detention Facility, 500 beds.....	11/91	8	7	408	5	4	274	2	2	82	3	2	122
Allenwood, PA Complex, (low security only) 1,000 beds.....	4/92	8	4	408	5	2	274	2	1	82	3	1	122
Guaynabo, Puerto Rico FDC, 750 beds.....	4/92	8	4	408	5	2	274	2	1	82	3	1	122
Terre Haute Segregation Unit, 100 beds.....	6/92	1	...	42	1	...	35	...	...	5	1	...	25
Oakdale II Detention Unit, 328 beds.....	6/92	2	2	180	1	1	108	1	1	75	1	1	87
Big Spring Satellite Camp, 150 beds.....	6/92	2	...	80	1	...	25	1	...	19	1	...	9
Lyndall Camp Expansion, 75 beds.....	6/92	1	...	27	1	...	24	...	...	3	1	...	20
Memphis Detention Unit, 150 beds.....	6/92	2	...	90	1	...	36	1	...	21	1	...	11
Seagoville Detention Unit, 150 beds.....	6/92	2	...	90	1	...	36	1	...	21	1	...	11
Estill, SC FCI with Camp, 1,000 beds.....	7/92	14	2	333	7	1	255	4	1	94	4	1	98
Florence, CO Complex (equipment only).....	10/92	15	...	...	...	...	...	...	...	...	...	...	...
Acquired facilities, (minimum security) 1,430 beds.....		68	31	3,008	40	17	1,937	18	9	609	23	9	846
Total, Activations (5,933 beds).....													

1991 Appropriation

Activity:	Institution Administration and Maintenance	1992 Base			1992 Estimate			Increase/Decrease		
		Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount
Institution Administration.....		2,262	2,134	\$170,242	2,262	2,426	\$197,613	2,630	2,613	\$225,840
Staff Training.....		358	256	21,138	358	345	26,131	368	187	\$28,227
Institution Maintenance.....		1,250	1,521	181,213	1,250	1,678	200,768	1,878	1,728	\$231,051
Total.....		4,370	3,911	372,593	4,370	4,453	426,510	4,882	4,707	486,890

This budget activity covers all costs associated with the general administration, operation and maintenance of facilities. Included are functions of the warden's office, legal counsel, personnel, financial management, records office, safety, staff training, mechanical services, motor pool operations, power house operations and other administrative functions.

1991 Appropriation

Activity:	Institution Administration	1992 Base			1992 Estimate			Increase/Decrease		
		Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount
Institution Administration.....		2,262	2,134	\$170,242	2,262	2,426	\$197,613	2,630	2,613	\$225,840

Long Range Goal: To continue to provide effective and innovative administration at all institutions and continually seek ways to improve existing administrative practices and procedures.

Major Objectives:

- Provide executive direction and control at each institution.
- Manage each institution's financial resources.

Procure contracts, and acquire all goods/services for each institution.

Assemble and maintain an effective workforce and administer personnel policies.

Provide for Equal Employment Opportunity.

Provide for a Drug Free Workplace.

Maintain effective procedures for the processing and disposition of federal offenders.

Process all official and inmate mail.

Maintain inmate records.

Maintain standards for safe and healthy working/living conditions.

Base Program Description: The Institution Administration Program consists of an institution's executive staff, financial management office, personnel office, administrative systems office and safety office.

The executive staff at each institution including wardens, associate wardens, and executive assistants, provide overall direction and implement policies.

The financial management office is charged with the management and control of all allotted funds with responsibility for procurement, property management, warehousing, issuing supplies, equipment, contracting for services, disbursement and collection of monies and collection, and input of all data for the automated accounting system and employee payroll.

The Human Resource Management Division, in cooperation with the Central Office Human Resource Office, is responsible for assembling and maintaining an effective workforce. As such, the division advertises all vacancies, collects all applications, establishes promotion boards, prepares a list of eligibles and ensures that all positions descriptions are current and accurate. It also negotiates with the union, develops manpower plans for institutions and plays a major role in recruiting authorities to meet Equal Employment Opportunity goals.

The inmate systems management office is responsible for the processing of detailers and the admission, transfer, sentence computation for and discharge of all federal prisoners. The admission process entails the identification of inmates, review of court documents, fingerprinting, photographing, and disposition of personal property. Following admission, the inmate systems office performs sentence computation, which involves adjustments due to U.S. Parole Commission action, Institution Disciplinary Committee actions and good time. This office also maintains relationships with federal, state and local law enforcement agencies, including the courts and parole boards regarding the criminal status of incarcerated and released inmates. Inmate systems staff work with the U.S. Marshals Service and Federal Prison System bus and airlift personnel to coordinate prisoner transfers and consolidate all inmates' records.

In addition, the inmate systems management office provides paralegal services such as answers to show cause orders; determinations in sentence computation problems; interpretations of court orders; representation of the institution in court matters pertaining to inmate records; and providing expert testimony regarding sentence computation. The office is also responsible for the processing of all institution mail.

The safety program involves the inspection of institutions for sanitation, rodents, rodents, unsafe working conditions and presence of hazardous chemicals. The safety officer is responsible for processing accident reports and compensation forms for employees.

Accomplishments and Workload: Actual and estimated accomplishments for the Institution Administration program are presented in the following table:

	Estimates			
	1989	1990	1991	1992
Purchase Orders.....	173,554	194,395	202,363	218,552
Accounting transactions.....	6,341,494	7,544,184	7,981,528	8,746,880
Payments.....	640,017	761,346	805,482	882,720
Comments Processed.....	30,344	33,983	37,666	41,282
Transfers In Process.....	15,202	21,175	22,663	24,852
Other Movement In (Furloughs, Writs, etc.).....	103,826	114,002	124,947	137,017
Discharges.....	11,884	11,305	12,441	13,643
Transfers Out.....	26,287	31,359	33,738	36,997
Other Movement Out.....	108,851	116,170	127,793	140,138
Movement in the BOP (includes promotions, laterals, transfers, combinations, new hires and separations).....	7,400	8,057	8,600	9,500
Safety Inspections.....	3,452	3,590	4,140	4,320
Accident/Injury Investigations.....	2,512	3,391	3,900	4,300
Fire Investigations.....	339	335	350	364
Program Changes:				
1992 Base				
Perm. Pos.	Amount	Perm. Pos.	Amount	WT
2,262	2,426	\$197,613	2,630	\$225,840
368	187	\$28,227		
Institution Administration.....				

This request provides \$1,042,000 for the additional inmate record, supplies and equipment resulting from a projected population increase of 9,140 from 62,450 in 1991 to 71,590 in 1992. Also included are 368 positions, 187 workyears, and \$27,185,000 to activate or expend this program at the following facilities scheduled for completion during 1992.

Facility:	Estimated Activation Date	Institution Administration	
		Pos.	Amount
Seymour Johnson, NC Camp Expansion, 300 beds.....	10/91	27	\$1,988
Brooklyn, NY Interim Detention Facility, 300 beds.....	11/91	57	4,395
Guantanamo, RA Complex, (minimum security only) 1,000 beds.....	6/92	53	26
Guantanamo, RA Complex, (medium security only) 1,000 beds.....	6/92	53	26
Terre Haute Segregation Unit, 100 beds.....	6/92	6	1,363
Oisdale II Detention Unit, 328 beds.....	6/92	10	1,134
Big Spring Satellite Camp, 150 beds.....	6/92	7	2,425
Lyndall Camp Expansion, 75 beds.....	6/92	4	1,228
Memphis Detention Unit, 150 beds.....	6/92	7	2,478
Seagrave Detention Unit, 150 beds.....	6/92	7	2,478
Estill, SC FCI with Camp, 1,000 beds.....	7/92	60	10,387
Florence, CO Complex (equipment only).....	10/92	...	...
Acquired Facilities, (minimum security) 1,450 beds.....	...	81	45
Total, Activations (5,933 beds).....		368	187
			\$27,185

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Per.	WT	Amount	Per.	WT	Amount	Per.	WT	Amount	Per.	WT	Amount
Staff Training.....	358	256	\$21,138	358	349	\$26,151	374	356	\$29,999	16	7	\$3,868
Long Range Goals: To communicate current policies and procedures to all staff and to teach them the skills and techniques necessary to maintain a safe, secure and productive correctional environment.												
To prepare and develop staff to meet and manage the future growth challenges of the Bureau of Prisons.												
Major Objectives:												
Provide introductory correctional training for all new staff and advanced correctional classes for experienced employees.												
Provide job specific specialty training.												
Restructure training programs to meet developmental needs of supervisors and managers.												
Provide instructor skills training for all facilities.												
Implement an active career development program to meet the Bureau's management staffing needs for the future.												
Explore, examine, and where appropriate, utilize new technology for delivery of training.												
Identify and implement alternative training delivery methods to supplement correctional, specialty and management training currently conducted at our training centers.												
Further refine and improve on-going training needs assessment process for the Bureau of Prisons.												
Implement the training institution program for new managers throughout the Bureau of Prisons.												
Establish external academic and training liaisons to enrich and update BOP employee development programs and efforts.												
Implement cultural diversity training programs at the institution, training center and national program level to further enhance utilization of the agency's multi-cultural workforce.												
Implement instructional systems design component of training branch to more efficiently and effectively develop, coordinate and deliver the Bureau of Prisons' training programs.												
Base Program Description: Staff training is being provided on site at each of the institutions; at five residential training centers; through external training provided by the Office of Personnel Management, National Academy of Corrections, and other federal agencies, by colleges and universities; and by private agencies.												
The Bureau of Prisons operates a training academy at the Federal Law Enforcement Training Center, Glynco, GA, which provides introductory correctional training for all new employees. The training academy provides facilities for the housing of students, training in firearms, self-defense, disturbance control, bus operations, locksmith, and armed escort training. Course materials are organized and written, and provide instruction on abnormal behavior, community programs, counseling systems, the dynamics of prejudice, equal employment opportunity, employee conduct and												

responsibility, employee stress management, escapes, fire prevention, first aid, correctional practices, inmate discipline, interpersonal communications, and legal issues. The training center offers courses for required instructor certification in such areas as, firearms, self-defense, disturbance control, and instructors skills.

Most of the BOP's meetings, workshops, and conferences are held at the Management and Specialty Training Center in Denver, CO. Through arrangements with local housing establishments, there is an unlimited number of rooms available for students. This center can provide training/ classroom space for over 100 students at any one time. A wide range of courses are available for supervisors and program managers and for trainers who conduct the institution's training programs. These include courses for equal employment opportunity counselors, unit managers, case managers, correctional counselors, correctional supervisors, medical records technicians, hospital administrative officers, and industrial aid managers.

The BOP also operates Food Service and Trust Fund Training Centers at the Federal Correctional Institution (FCI), Fort Worth, TX, and a Paralegal Training Center in Dallas, TX.

Approximately 80% of the Bureau's training is conducted on site at the institutions. Each institution has an Employee Development Manager who plans, manages, and organizes the institution's training programs. Certain institution conducted courses are required by national policy. For example, each new employee must be given one week of orientation training immediately upon entry on duty. Each experienced employee must be given correctional refresher training each year in such subjects as self-defense, disturbance control, firearms, fire protection, and inmate supervision. Each new case manager and unit manager must complete a self-study course in case management operations within sixty days of appointment.

The Career Development Office gathers, maintains and provides information to top management concerning Bureau of Prisons managers; develops and coordinates national programs to assist managers in the development of their careers; and conducts special research projects concerning our workforce.

Accomplishments and Workload: Actual and estimated accomplishments for the Staff Training program are presented in the following table (figures represent the number of students trained):

	Estimates			
	1989	1990	1991	1992
External Training Provided.....	4,802	6,722	7,461	8,300
Staff Training Academy - Glyco Training Provided.....	3,725	4,323	6,101	7,341
Management Specialty Training Center Training Provided.....				
Includes Food Services, Trust Fund, and Paralegal Training Centers).....	2,000	3,496	4,954	6,715
Internal Training Provided.....	69,255	112,574	124,957	134,500

In April, 1990, the Human Resource Management Division completed a comprehensive five-year plan for Employee Development. This plan was approved by the Federal Prison System, Executive Staff and will serve as the strategic plan to put into place the resources, programs and systems necessary to meet the Bureau's staff development needs during this unprecedented period of rapid growth.

As part of the five-year plan, a new organizational structure was put in place during 1990 to establish appropriate responsibilities for the development, delivery and support of training services. Additionally, program design was completed in the areas of: Training Institutions for new managers; career development for line staff; national needs assessment process; Spanish language skills; and armed escort training.

During 1990, the Bureau of Prisons also established at all field and regional office sites an employee development manager in organizing, planning, and delivering employee development experiences for the entire correctional workforce.

Program Changes:	1992 Base			1992 Estimate			Increase/Decrease		
	Per.	Pos.	WT	Per.	Pos.	WT	Per.	Pos.	WT
Staff Training.....	358	349	\$26,131	374	356	\$29,999	16	7	\$3,868

In 1992, the request includes 16 positions, 7 workyears and \$1,440,000 to provide training at the following facilities scheduled for completion during 1992:

Facility:	Estimated Activation Date	Staff Training	
		Pos.	WT Amount
Seymour Johnson, NC Camp Expansion, 300 beds.....	10/91	1	998
Brooklyn, NY Interim Detention Facility, 500 beds.....	11/91	3	2 243
Allenwood, PA Complex, (low security only) 1,500 beds.....	4/92	3	2 243
Guantanamo, Puerto Rico FDC, 750 beds.....	4/92	3	2 243
Terre Haute Segregation Unit, 100 beds.....	6/92	...	16
Caladate II Detention Unit, 328 beds.....	6/92	...	37
Big Spring Satellite Camp, 150 beds.....	6/92	...	17
Wingate Camp Expansion, 75 beds.....	6/92	...	11
Memphis Detention Unit, 150 beds.....	6/92	...	26
Seaportville Detention Unit, 150 beds.....	6/92	...	26
Estill, SC FCI with Camp, 1,000 beds.....	7/92	3	236
Florence, CO Complex (equipment only).....	10/92	...	...
Acquired facilities, (minimum security) 1,430.....		3	242
Total, Activations (5,933 beds).....		16	7 1,440

The Bureau of Prisons is currently immersed in the largest expansion plan in its history and its current staff of 17,000 is expected to more than double by 1995. Likewise training requirements are expected to double from 7,500 trainees in 1990 to over 15,000 in 1995. This extraordinary growth presents unprecedented staff development challenges. The Bureau of Prisons no longer has the luxury to slowly develop employees through on-the-job training and rotational assignments. While the Bureau of Prisons anticipates that introductory training of correctional workers can still be met at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA, the existing Management and Specialty Training Centers currently located at Ft. Worth, Dallas and Denver have reached their level of saturation and can no longer accommodate the training. To accomplish its training needs, the Bureau of Prisons is requesting \$2,428,000 in 1992. This will allow the Bureau to evaluate its future training needs, provide Drug Abuse Treatment training/certification through contract arrangements and training certification of Physician Assistants.

Within the total request, the Bureau of Prisons is requesting \$950,000 to allow the Bureau of Prisons to evaluate its future training needs.

To provide for training/certification of Drug Abuse Treatment Specialists hired to implement the Bureau of Prisons Drug Abuse Treatment Program \$300,000 is being requested. All drug abuse treatment specialists will require 200 training hours each to be certified as drug abuse treatment specialists.

The Bureau of Prisons is requesting \$1,178,000 for continuing professional development in the medical area. Currently 50 percent of the Physician Assistants are not certified by the American Academy of Physician Assistants as Physician Assistants. Certification requires that they graduate from an accredited Physicians Assistant program and successfully pass a certification examination. Continuation of certification and maintenance of licenses requires a specified number of hours of yearly training, plus recertification examinations on a regular cycle. Also, this request will allow the Bureau of Prisons to keep abreast of community medical standards by providing training for its professional health care staff.

1991 Appropriation					
Anticipated		1992 Base		1992 Estimate	
Per.	WT Amount	Per.	WT Amount	Per.	WT Amount
Pos.	Pos.	Pos.	Pos.	Pos.	Pos.
1,750	1,521 \$181,213	1,750	1,678 \$200,766	1,878	1,738 \$231,051
Institution Maintenance.....				128	60 \$30,285

Long-Range Goal: Continue preventive maintenance program, provide continuous service of all utilities in the most energy efficient manner, and provide transportation services in support of institutional operations.

Major Objectives:

Purchase utilities or maintain and operate utility systems and central power plants.

Maintain and operate telecommunication and transportation services.

Maintain the interior of all buildings such as plumbing, electronics, masonry, mechanics, carpentry and painting.

Maintain the exterior of all buildings including landscaping, gardening fence repair and painting.

Implement motor vehicle management program.

Base Program Description: The Institution Maintenance Program covers the requirements for adequately maintaining and operating the physical plants of the Federal Prison System. Facilities very large from 100 years to buildings recently constructed. Over fifty (50) percent of the facilities are over 50 years old which makes them subject to deterioration. The program includes the maintenance of approximately 34,000 acres of land, 30,000 buildings, 21 million square feet of floor area, all of which must be maintained and furnished utility services. Complex heating and air conditioning systems, high pressure steam power plants, sophisticated hospital equipment, emergency electrical power systems and fire protection and life safety systems all require regular maintenance. Each institution maintains communication systems including complete private automatic branch exchange telephone systems, radio systems including base station and mobile units and several electronic detection and control systems. Additionally, this program provides for the maintenance and operation of approximately 900 vehicles.

Requirements are identified through regular inspections conducted in the on-going preventive maintenance program; formal semi-annual inspections; and through requests for specific needs identified by institution staff members. This program finances maintenance projects estimated to cost \$4,000 or less. Maintenance requirements in excess of \$4,000 are included in the "Modernization and Repair" program of the "Buildings and Facilities" appropriation.

The work within this program is accomplished almost entirely by inmate crews under staff supervision. Each work crew consists of a staff foreman and between five and fifteen inmates. Each institution must have highly skilled staff with experience and training in every phase of construction and maintenance work including steamfitters, air conditioning mechanics and electronics repair. A few specific jobs are contracted out because special skills or equipment items are required, or because the work may be extremely dangerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

Accomplishments and Workload: Actual and estimated accomplishments of the Institution Maintenance program are presented in the following table:

	1989	1990	1991	1992
Major maintenance projects completed (\$500-\$4,000).....	970	1,928	2,101	2,290
Minor maintenance projects completed (\$500 or less).....	144,721	307,466	335,116	365,276
Power Plants operated.....	56	37	39	43
Energy Consumption:				
Electricity (KWH).....	336,204,596	372,208,162	394,540,651	418,213,090
Natural Gas (cu ft).....	1,095,799,516	2,182,045,627	2,378,429,733	2,592,488,408
#2 Fuel Oil (gal.).....	1,688,123	2,001,410	2,121,495	2,248,785
#6 Fuel Oil (gal.).....	520,487	525,323	525,323	525,323

	1988		1989		1990		1991		1992	
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
Coal (tons).....			13,718		16,112		16,112		16,112	
Propane (gal.).....			1,181,702		1,185,186		1,185,186		1,185,186	
Purchased Steam (lbs.).....			4,471,116		4,490,724		4,490,724		4,490,724	
Purchased Chilled Water (Ton Hours).....			942		952		952		952	
Vehicle miles driven.....			10,103,120		10,890,840		11,435,360		12,007,149	

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	WT	Pos.	WT	Pos.	WT
Program Change:						
Institution Maintenance.....	1,750	1,678	\$200,766	1,878	1,738	\$231,057

The request includes an increase of \$13,175,000 for utilities, trash removal, and maintenance supplies commensurate with a projected population increase from 62,450 in 1991 to 71,590 in 1992. In addition, this level includes 128 positions, 60 workyears and \$17,110,000 to activate or expand this program at the following facilities scheduled for completion during 1992:

Facility:	Estimated Activation Date	Institution Maintenance	
		Pos.	WT
Seymour Johnson, NC Camp Expansion, 300 beds.....	10/91	9	4
Brooklyn, NY Interim Detention Facility, 500 beds.....	11/91	17	16
Allenwood, PA Complex, (low security only) 1,000 beds.....	4/92	17	9
Guantanamo, Puerto Rico FIC, 750 beds.....	6/92	17	9
Terre Haute Segregation Unit, 100 beds.....	6/92	1	257
Oakdale II Detention Unit, 328 beds.....	6/92	3	3
Big Spring Satellite Camp, 150 beds.....	6/92	2	200
Tyndall Camp Expansion, 75 beds.....	6/92	...	139
Memphis Detention Unit, 150 beds.....	6/92	2	...
Seagoville Detention Unit, 150 beds.....	6/92	2	...
Estill, SC FCI with Camp, 1,000 beds.....	7/92	31	4
Florence, CO Complex (equipment only).....	10/92	...	1,350
Acquired facilities, (minimum security) 1,430.....		27	15
Total, Activations (5,933 beds).....		128	60

	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
Contract Confinement.....	220	194	\$92,172	220	\$95,833	220	\$112,519	...

Long Range Goal: To provide, through contract, high quality and diversified state, local and private facilities to house all offenders requiring confinement outside the Federal Prison System (including Community Corrections Centers formerly called Community Treatment Centers). Develop innovative Community Corrections programs to assist the Bureau with institution overcrowding and provide alternative sentencing options for the court.

Major Objectives:

Place all youthful offenders committed under the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 and the Sentencing Reform Act of 1984 in appropriate non-federal juvenile facilities.

Place juveniles near their homes and in community-based facilities whenever possible.

House those offenders who are in danger in Federal Institutions, in State correctional institutions or other facilities.

House offenders with sentences of up to 180 days or less in local detention facilities.

Provide community residential resources to all FPS releasees deemed eligible and appropriate for release to a Community Corrections Center (CCC) for an average length of stay of 120 days.

Provide 100 percent of the community residential program bed space requested by the Federal courts, the U.S. Probation Service and the U.S. Parole Commission. Offenders sentenced to one year or less, where appropriate, may be placed in a CCC with judicial concurrence.

Thorough and frequent monitoring of contract facilities while providing training for all contractors annually.

Locate and provide suitable contract facilities to meet the growing needs of the offender population.

Provide accurate and timely information to the Central Inmate Monitoring and Witness Protection tracking system.

Keep the Federal law enforcement agencies aware of changes in FPS policy, sentencing alternatives and other areas of concern.

Maintain close relationships with state and local correctional agencies to exchange information and manage resources.

Provide individual case management services and perform administrative systems functions for inmates confined in contract facilities.

Base Program Description: Certain categories of federal offenders are designated for confinement in State, local and private facilities. These include persons committed under the Federal Juvenile Statutes, who must be separated from adult offenders and placed in community-based facilities near their residence whenever possible; adult offenders, whose lives might be endangered in Federal facilities (protection cases); and offenders with short sentences (generally three years or less) who are placed in local detention facilities (jails) for service of sentence.

In addition, FPS contracts with State, local and private community corrections centers for community residential bedspace for offenders who are eligible and need a pre-release transition program at the end of their sentences before returning to the community; who the Federal courts determine need more than probation and less than full institution confinement and services; who are under probation or parole supervision but need more intensive services and/or programs than can be provided under the "street" supervision of the U.S. Probation Officer; and who are committed directly from court generally serving short sentences. Contract CCCs provide services to inmates attempting to establish themselves as fully functioning citizens while still under supervision. Available services include individual and group counseling, supervised living quarters, employment and placement assistance. All of the above Community Corrections Centers contain two program components, a Pre-Release Component for those offenders entering the community after serving a portion of their sentence in an institution and a Community Corrections Component, which is more punitive and restrictive for all other types of offenders.

Community Corrections Managers (CCMs) develop contractor resources and negotiate and monitor contracts for the boarding of Federal offenders in State and local institutions and in private residential community treatment centers. CCMs also make recommendations for designation of newly sentenced offenders and are responsible for the placement of direct commitments to non-federal facilities. They provide case management services to

all federal inmates placed in non-federal institutions and serve as technical consultants to contractors on FPS policy. In addition, COM's serve as the FPS liaison with members of the U.S. Marshals Service, U.S. Probation Service, U.S. Parole Commission, federal courts, other federal agencies, state and local government agencies and local community agencies. There are presently 31 COM's stationed in 31 major cities throughout the United States.

Accomplishments and Workload: Actual and estimated accomplishments for this program are presented in the following table:

	<u>Estimates</u>		
	1980	1990	1992
Number of contracts with juvenile facilities.....	37	40	42
Number of contracts with adult facilities.....	37	40	42
Number of contracts with IRLs.....	290	300	335
Number of contracts with community corrections centers.....	283	300	355
Contract monitoring:			
Major use facility.....	82%	90%	95%
Minor use facility.....	86%	90%	98%
Designations.....	36,170	39,000	41,000
			46,000
Average daily population:			
Juveniles.....	124	125	125
Adult Offenders.....	1,518	1,400	1,400
Short Termers.....	1,136	1,200	1,200
Contract Community Corrections Centers.....	3,445	3,600	3,900
Average length of stay in CCC's (days).....	105	110	120
			150

Since 1977, with only minor exceptions, the FPS has been able to place all juveniles in non-federal juvenile facilities. During 1990, FPS contracted for the confinement of an average daily population of 124 juveniles. Roughly 24 percent of juveniles are placed in community-based facilities and 27 percent are confined in their state of residence which enhances the opportunity to use available community resources and increases opportunities for visits from relatives and friends. In addition, FPS used adult state correctional institutions to house an average daily population of 1,518 adult federal prisoners who receive protection and those who had special needs. We believe this action has provided some additional security for the inmates and their families and friends. This action has also provided an opportunity for an average daily population of 1,136 to remain in their home community, near families and friends. It also saves the government transportation expenses to and from a federal institution.

Since January 1982, the FPS has increased the number of inmates confined in contract CCC's from 94 to approximately 4,000 today. Currently the FPS is providing community residential programs at 82% of all FPS releases deemed eligible and appropriate for release to a CCC for an average length of stay of 90 days. Community Programs Managers continue to closely monitor CCC placements to insure maximum utilization of CCC bed space within funds available.

An added benefit of contracting for the confinement of federal prisoners in non-federal facilities is that contract based population results in a reduction to FPS institution based population and thus reduces overcrowding.

Inmate contributions to the cost of residence in a Community Corrections Center, known as subsistence collections, have increased significantly over the past several years. The amount collected for FY 1990 was \$6 million, a substantial increase from 1987, when collections amounted to less than \$1 million. In 1986, the Bureau's philosophy of encouraging inmate financial responsibility was extended to Community Corrections and much greater emphasis was placed on subsistence collections. Since June 1988, inmates in CCC's have been required to pay the contractor 25 percent of their gross income, not to exceed the contract per diem rate. The contractors reduce their bills to the Bureau by the amount collected from inmates.

The BOP is involved in three forms of home confinement. The first is a joint effort with the U.S. Parole Commission and the U.S. Probation Service in fourteen selected judicial districts. These programs utilize electronic monitoring devices as supervision tools. As of January 10, 1991, there were 284 cases being monitored through these pilots. Of this amount, 95 cases are offenders who had their parole or mandatory release dates advanced by the U.S. Parole Commission. The remaining cases are court directed. The U.S. Probation Service is responsible for the supervision for these offenders. However, the Bureau has provided 11 staff (Home Confinement Officers Supervisors) to work in the respective probation office. We estimate that once these programs are in full operation the caseload will reach approximately 400 cases. Assuming these programs prove to be successful, we would anticipate expending the use of electronic monitoring even further.

On a much smaller scale, the BOP has contracts with local governments to place offenders on electronic monitoring systems. Ordinarily these are pre-release offenders being released to a geographic area where there are no Community Corrections Center resources available. As of January 30, 1991, there were 11 offenders in these programs.

The third form of home confinement is the monitoring of the inmate by our network of Community Corrections Centers and, unlike the previous groups, these offenders are not monitored with electronic devices. These offenders are in daily telephone contact with the responsible center. Center staff make regular visits to the inmate's residence and place of employment, and the offenders are required to report to the center on a scheduled basis. As of January 30, 1991, there were 83 offenders in this group.

A pilot program has been established in Philadelphia, Pennsylvania, allowing offenders to be placed in a Community Corrections Center for the last 18 months of their sentence. During the first year in the program the inmate is assigned to a Community Corrections component and is required to perform manual labor for a local Federal agency. The only time the inmate is allowed away from the center is for this work assignment or other approved program activity such as substance abuse counseling or religious services. When the inmate reaches six months from release, he or she may then be placed in the Pre-Release component of the center.

Program Changes:	1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Contract : rfinement.....	220	210	\$95,833	220	210	\$112,519	...	...	\$16,686

In 1992, the request includes \$10,000,000 to obtain 455 additional contract beds in the state and local facilities. This provides a cost-effective means of reducing institutions based overcrowding.

In addition, \$6,696,000 is requested to provide transitional or aftercare services to approximately 1,000 inmates who are expected to complete an institution based drug abuse treatment program in 1992.

1991 Appropriation									
Anticipated									
	1991 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Executive Direction and Control...	529	476	\$26,981	529	500	\$29,430	...	...	...
Administrative Services.....	418	397	\$9,000	418	416	\$3,176	...	...	\$1,824
Total.....	947	873	\$35,981	947	916	\$32,606	...	...	\$3,375

This budget activity covers the costs of regional and central office executive direction and management support functions such as the executive staff, regional and central office program managers, research and evaluation, program analysis, budget development, policy development and implementation, system support, financial management, personnel, ADP, space management, and legal services.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount
Executive Direction and Control...	529	476	\$26,981	529	500	\$29,430	529	500	\$29,430	...	...	...

Long Range Goal: To continue providing effective, comprehensive direction and leadership to the Federal Prison System (FPS) by coordinating, initiating and evaluating planning and operational activities through the various central office branch chiefs, regional office program managers and the executive staff.

Major Objectives:

Establish and enunciate policy.

Provide legal counsel relating to correctional management issues.

Plan, develop, coordinate, and evaluate FPS programs and activities.

Facilitate strategies for Advanced Procurement Planning.

Increase efficiency and program effectiveness.

Investigate alleged employee misconduct.

Maintain capabilities to respond effectively to public and congressional inquiries.

When necessary and appropriate, assist state correctional systems, the District of Columbia Department of Corrections, the U.S. Marshals Service, the Immigration and Naturalization Service and other jurisdictions experiencing difficulty by housing their offenders.

Have all Federal Institutions as well as Central and Regional Offices accredited by the American Correctional Association.

Base Program Description: The Bureau of Prisons is managed from a central office in Washington, D.C., where the Director, Assistant Directors and General Counsel manage the agency's headquarters functions and six regional offices headed by a Regional Director. The Bureau of Prisons' Executive Staff which includes the Director, all Assistant Directors, and all Regional Directors reviews all major issues and determines major policy for the FPS.

The Executive Office of the Director is composed of the Director, a Chief of Staff, Public Affairs, Research, Strategic Planning and Internal Affairs sections and the Office of General Counsel. These functions serve to assist the Director in managing overall agency functions through the Assistant and Regional Directors. The Chief of Staff serves as liaison with the other members of the Bureau's Executive Staff, and manages the immediate functions of the Director's Office.

The Office of Public Affairs is responsible for the public information, congressional liaison and communications functions within the Director's Office. Under the Office of Public Affairs are the Bureau's Public Information Officer, Congressional Liaison and Chief of Communications.

The Bureau's Office of Research and Evaluation provides information relevant to current and future questions in the field of corrections through social science research. Primary functions include conducting studies, developing and maintaining information systems, maintaining the Central Office Library, producing and distributing reports, responding to information requests, providing technical assistance, and processing research proposals.

The Office of Strategic Planning is responsible for supporting and monitoring the Bureau's strategic planning efforts. Staff of the Office provide training and support to the Central Office, Regional Offices, and field locations, assisting staff in adopting the principles of strategic management to their particular needs. This Office also coordinates the activities of all Warden's Advisory Groups (WAGs), monitors the progress of task forces appointed by the Bureau's Executive Staff, and prepares summaries of issues presented before the Executive Staff.

The Bureau sets and enforces high standards of personal and professional conduct in its workforce. The Office of Internal Affairs (OIA), under the Director, provides liaison and investigative assistance to the recently established Department of Justice Office of the Inspector General regarding allegations of waste, fraud, mismanagement, and improper activities on the part of agency employees. Investigations that may lead to criminal sanctions are also coordinated by either the Office of the Inspector General (OIG) or the Federal Bureau of Investigation.

The Office of General Counsel provides legal advice and assistance to officials of the Bureau, with regard to management, policy development, decision-making and contract matters.

The Administration Division provides the resources and support necessary for the Bureau to perform in an effective and efficient manner. This includes the development and maintenance of the Bureau's physical facilities, the development of budget requests and stewardship of financial resources, the provision of modern, automated data and information systems, and other administrative support services as required by the organization.

The Correctional Programs Division is responsible for managing correctional services (security) operations in Bureau institutions, community corrections, case management and unit management as well as religious and psychology services.

The Health Services Division's mission is to provide high quality medical, dental, and psychiatric care, nutritious and appetizing meals for inmates, and safe living and working environments for all individuals committed to the custody of and working in the Bureau.

The Human Resource Management Division was created in June 1988. Establishing a separate Human Resource Management Division is consistent with the approach now taken by many public and private sector organizations, providing increased emphasis and priority on national recruitment, selection, training and retention programs and improving integration of Human Resources policy issues with other Bureau-wide policy developments. Its functions also include pay and position management, career development and labor-management relations. With the Bureau's tremendous manpower development needs in the coming decade, this division is particularly critical.

The Program Review Division is responsible for assessing and evaluating all Bureau operations and review activities. These activities include conducting reviews of Bureau programs and operations at agency headquarters, regional offices and field facilities as well as monitoring reviews of the same entities conducted by Bureau personnel outside the Program Review Division. This Division collects and integrates information and data generated during program reviews into an information system.

The Associate Commissioner for Federal Prison Industries, Inc. (FPI) reports directly to the Director and to the Federal Prison Industries Board of Directors. The Associate Commissioner is responsible for FPI Industrial Operations and Corporate Management and educational and leisure programs.

Accomplishments and Workload: Actual and estimated accomplishments for this program are presented in the following table:

	Estimates		
	1989	1990	1991
Policy Statements Issued.....	33	29	64
Change Notices.....	32	8	80
Operations Memoranda.....	198	207	200
Tort Claims.....	2,415	2,600	3,000
FOIA/Privacy Act Cases.....	5,600	6,100	7,200
Administrative Remedy Cases.....	18,000	20,000	25,000
EEO Cases.....	79	75	80
Investigations of Alleged Violation of Standards of Professional Conduct.....	517	450	485
GAO/DOJ, OIG Audits.....	15	24	30
			48

In FY 1990, the Bureau activated six institutions, adding 2,100 beds to capacity.

Negotiated and signed an agreement that will result in the Bureau obtaining a prison facility that would be financed and built by the private sector and leased on an annual basis by the Bureau of Prisons. The agreement (with the Oklahoma City Airport Trust Authority) is for a proposed detention facility at the Will Rogers World Airport in Oklahoma City. Oklahoma City was chosen because it is one of the major hubs of the National Prisoner Transportation Program jointly operated by the Bureau of Prisons and the U.S. Marshals Service. Inmates being transported to other institutions in the Federal Prison System have been held over at the Federal Correctional Institution (FCI) in El Reno, Oklahoma, which is about 30 miles west of Oklahoma City. With the completion of this Federal Transfer Center, inmates will be able to stay at the airport while awaiting transportation to their next destination.

During 1990, the Office of Research enhanced the Key Indicators Strategic Support System, an integrated information system that is currently available to managers on micro-computers at 50 institutions plus other regional and Central Office locations. The system assists managers in identifying significant trends regarding inmates, staff, financial management, and institutional operations. This system is intended to form the backbone of the Bureau's internal management and oversight structures in coming years, and will be integrally related to virtually every function in the agency. Featuring a uniquely blended system of stand-alone microcomputers using mainframe computer data, Key Indicators provides Bureau managers at all levels with critical comparative data on not only their own operations, but also emerging trends across all organizational levels. Having this information in hand at the earliest possible moment enables prompt, effective management intervention when necessary, including the redirection of resources to areas where imbalances are developing.

More than 30 research reports were written and distributed. The reports were on such topics as recidivism, institution social climate, self-reported substance abuse problems of inmates, the use of intermediate punishment at the Federal level, veterans in the Bureau's inmate population, and health status of inmates.

Research staff also responded to more than 50 major requests for information or technical assistance from Bureau staff and outside agencies, each request requiring from eight to 160 hours of staff time to complete. Data generated on such topics as population projections, furloughs, non-citizens, UNICOR, and older inmates were considered by managers in formulating Bureau policy and/or programs.

The second meeting of the Research Issues Forum was held, at which experts from academia, corrections and business reviewed three research proposals and endorsed the concept of a computerized federal offender-based information system which would be coordinated by a central agency and would track persons from the time they entered the federal criminal justice system to the time they exited the system.

The Prison Social Climate Survey (PSCS) was administered to a representative sample of staff across the Bureau to provide management with information about employee perceptions of their jobs, their place of work, and the Bureau as an organization.

The Bureau entered into an interagency agreement with the National Institute on Drug Abuse in an effort to evaluate the effectiveness of unit-based drug treatment programs, similar to therapeutic communities within correctional settings.

During 1990, the Program Review Division centralized the review process for eleven of fourteen major program areas within the Bureau; initiated comprehensive tracking of review citations through an Automated Information System (AIS); developed a major effort to train staff in monitoring program activities through use of Key Indicator data, risk assessment, operational and program reviews; established a strategy for saving allocated resources through advanced procurement planning with oversight by a Competition Advocacy Program; developed centralized tracking of external agencies auditing for fraud, waste, and abuse.

A Detention Planning Group was established, which includes representatives from the Federal Bureau of Prisons, U.S. Marshals Service, and Immigration and Naturalization Service. This working group meets bi-weekly to discuss operational issues concerning Federal Detention.

The Office of Public Affairs developed projects that enhance public knowledge of the Bureau and its programs; initiated a joint information project with the National Park Service at the former U.S. Penitentiary, Alcatraz, California; coordinated filing of a Home Box Office documentary at USP Lewisburg, Pennsylvania, which is scheduled for airing in early-1991; provided information to schools throughout the nation on corrections and the Bureau of Prisons; and distributed informational packages regarding Bureau operations.

The Office of Public Affairs also conducted a congressional liaison program that included coordination with the Department of Justice, Office of Legislative Affairs, maintaining direct contact with Members of Congress and their staffs, answering Congressional correspondence and telephone inquiries, and conducting tours of Bureau institutions for Members and their staffs; processed written and telephonic congressional inquiries.

The Bureau continued to emphasize and offer ethics training to Bureau staff to heighten awareness of ethics-related issues and to prevent development of not only conflict-of-interest situations, but also circumstances that might give the appearance of such a conflict. Approximately 2,000 staff were trained in calendar year 1990.

The BOP prevailed in various court decisions. For example, the District Court in the Northern District of California ruled that the Bureau of Prisons' regulations regarding the prohibition against inmates being reporters or publishing under bylines in the news media, and the restriction against inmates conducting business while confined were not unconstitutional. The court found that the regulations at issue were reasonably related to bona fide penological interests. In a second case, a Federal Tort Claims Act (FTCA) suit was brought by 28 American inmates who were at the Federal Detention Center, Oakdale, Louisiana, at the time of the Cuban uprising in November 1987. The Fifth Circuit recently upheld the District Court decision that the discretionary function exemption to the FTCA is available to the Bureau of Prisons in this instance in that prison administrators cannot be "second-guessed" when making decisions in the context of an emergency situation of this nature.

The FPS continues to lend assistance to many state correctional systems experiencing difficulty by housing their offenders. There are approximately 1,821 state offenders in FPS facilities. In addition to state prisoners, there are approximately 1,040 inmates from the District of Columbia and Federal prisoners. The Bureau is also housing approximately 262 non-citizen prisoners and 262 sentenced prisoners. The Bureau is also housing approximately 6,000 pre-sentenced detainees in FPS facilities. In addition, at the request of the Immigration and Naturalization Service, the FPS also is housing approximately 1,550 Mariel Cuban criminals.

Current data reveals that 14,491 prisoners are non-citizens, representing 24 percent of the Bureau's total inmate population of 60,384 as of February 1991.

To date, 43 institutions have been accredited by the American Correctional Association for three year terms. The re-accreditation process resumed in 1987.

During 1990, the Bureau of Prisons developed the concept of Federal Correctional Centers (FCC). FCC's will be multifunctional facilities, operated by Bureau staff with possible contractor assistance. They will provide the following services:

Residential programs for pre-release inmates transferred from institutions.

A residential Community Corrections Component for short-term commitment and community confinement cases.

A base of operations for home confinement programs; Detention space for pretrial prisoners, short-term confinement, and community program failures.

A location for Correctional Management Center staff to perform functions now performed in Community Corrections offices.

A training resource for contract programs in the service area.

A component for intensive substance abuse treatment.

The Bureau will still use contract programs in smaller areas. FCC's will place the Bureau back in the operational mainstream of community corrections.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Administrative Services.....	418	387	\$49,090	418	415	\$52,690	419	416	\$53,176	1	1	\$486

Long Range Goal: Provide for effective personnel administration including equal employment opportunity; an efficient and responsive financial management system including procurement and property management; and systems support administration and oversight.

Major Objectives:

- Increase the rate of hiring minorities and women to ensure their representation in the workforce.
- Increase the number of minorities and women promoted to management and supervisory positions.
- Review local labor contracts as they are negotiated assuring compliance with master agreement prior to approval.
- Complete analysis of all Merit System Protection Board and arbitration decisions of the past 12 months to determine patterns and identify potential problems.
- Provide current and accurate financial management information.
- Place more emphasis on program manager involvement in the management of funds.
- Provide goods and services to the Bureau of Prisons by minimizing full and open competition.
- Continue to enhance SERBAT applications.

Base Program Description: The central and six regional offices are responsible for the functions of personnel management; maintenance of equal employment opportunity; medical services; financial management, including procurement and property management; and ADP services, records management, mail, printing, reproduction, and space management.

Personnel administration is largely regulated by the government-wide merit system and requires considerable planning and coordination with both the Department of Justice and the Office of Personnel Management. Coordination is necessary with colleges, high schools, civic groups, public and private groups and organizations in order to recruit an efficient work force. Increased hiring of minorities and women is accomplished through recruitment campaigns, visits to colleges and universities and other similar programs. EEO specialists have been placed in each region in order to help carry out this program.

Training is provided to appropriate personnel in labor/management relations and arbitration. Provisions of newly negotiated Master Agreements and local supplemental agreements are communicated widely to increase employee involvement, particularly field employees, in the process. Merit System Protection Board and arbitration cases are reviewed and analyzed to provide more thorough insight into labor/management policy problems.

Financial Management provides for the design, development, and implementation of financial systems and the maintenance and continuous analysis, evaluation and modification of existing systems to ensure compliance with statutory and regulatory requirements and to meet the administrative needs of the FFS. Financial Management established property accounting, cost-based budgeting practices and suitable internal control procedures, and develops and provides financial reports on the fiscal status, financial results of operations, and the cost of the FFS's operations. Financial Management is also responsible for the development of the FFS's financial operating plans and the administration of funds appropriated to the FFS.

The Property Management and Procurement functions are also the responsibility of Financial Management. This includes procurement responsibility for all services and supplies; the administration of regulations for all procurement and personal property and administrative legal claims matters; and the review and interpretation of statutes and regulations of other government agencies relating to all phases of property management and procurement.

In addition, Financial Management is responsible for special inmate services (including commissary, inmate trust fund, and laundry). Commissary operations provide opportunities for inmates to purchase items above the necessities of life. Inmate trust fund operations account for all monies on deposit for each inmate. Laundry operations provide all inmates clean clothing, footwear and linens. Other inmate services include provisions for toiletries and writing supplies.

The core system for automation in the Bureau of Prisons is Sentry. It is an on-line, interactive database management system that is accessible from virtually every department in all BOP facilities. All centralized automation requirements will be met through the Sentry system. Currently, it encompasses the following functions: inmate population monitoring, sentence monitoring, designations, legal reference system, central inmate monitoring, property management, and electronic mail.

Accomplishments and Workload: Actual and estimated accomplishments for the Administrative Services program are presented in the following table:

	Estimates			
	1989	1990	1991	1992
National Recruitment Activities/Trip	335	435	500	400
Number of Courtroom Admissions, ESO cases, MSPB cases	110	130	150	175
Percentage of Women and Minorities in BOP	26%	27%	29%	32%
Sentry Average Daily Transactions (in thousands)	356	473	525	580

The Inmate Financial Responsibility program is a systematic collection program for court-imposed fines, fees, and costs, which heretofore has remained unpaid in many instances. It resulted from close coordination between the Bureau, the Administrative Office of the U.S. Courts and the Department of Justice. In April 1988, the Bureau implemented this program system-wide. Under it, the Bureau encourages each sentenced inmate to satisfy his or her legitimate financial obligations and each inmate is provided the opportunity to develop a financial plan to satisfy those obligations. An inmate's participation in the program is reviewed each time unit staff assess an inmate's demonstrated level of responsible behavior (custody classification, furloughs, halfway house placement, etc.).

Currently 17,000 inmates are actively participating in the program; 37,403 have completed their financial obligations. An estimated \$620 million is owed by inmates to the Government through court orders; to date, as a result of participation in this program, inmates have paid approximately \$43 million toward satisfaction of those financial obligations.

During 1990, several major enhancements were made to the Sentry system. The Sentry communication network was converted from 40 multi-drop circuits to 144 dedicated lines to each individual Sentry location using FTS 2000. Bureau facilities now have dedicated line access to the FMS and NMIS systems as well as Sentry. Response time and line integrity were improved significantly.

Two major modules were added to Sentry during 1990. The inmate discipline module provides on-line access to inmate incident reports, procedural dockets and hearings, sanctions imposed, and histories of each. A new administrative remedy module automates the clerical functions in administrative remedies by automatically producing inmate receipts and memos, maintaining a comprehensive index, and providing the ability to track individual cases and critical due dates.

The Bureau of Prisons is working with the Department of Justice Finance Staff towards a migration effort to incorporate its accounting system under the Department's Financial Management Information System. This process entails the systematic implementation of various modules of the system and will span the next several years until full implementation. Current efforts have resulted in the implementation of the Draft Payment System to be completed during FY 1991.

The Bureau also negotiated a new master contract between BOP and AFGE. The Correctional Officer Register continues to be operated by BOP on delegation of authority from the Office of Personnel Management. Training was conducted for all field personnel offices in the recently developed workforce utilization program which utilizes the management of both workyears and positions.

An inmate telephone system will be implemented at institutions. This system provides automated control over the telephone numbers inmates are permitted to call. Without staff assistance, inmates can call only a specified list of numbers which have been previously approved by staff and this system will help prevent inmates from making unauthorized contacts. In addition, the system makes inmates financially responsible for long-distance telephone calls they make rather than placing this burden on family members and friends. A request for proposal has been issued to interested vendors to provide this phone system Bureau wide. The anticipated contract award date is early summer, 1991. Bureau-wide implementations will be completed over a two to three year period.

A video arraignment program was implemented, in conjunction with the United States District Court in Denver, linking the Denver Federal Court House and the Federal Correctional Institution, Englewood, CO. The intent of the project is to reduce inmate transportation and supervision for arraignments, initial hearings and similar proceedings where all parties involved have agreed to this as the procedure of choice. The project will be evaluated over the next 12 months.

In response to the need to maintain a well-trained cadre of Bureau of Prisons managers, the Leadership Forum program was established. This intensive, one week training program exposes Bureau managers to current management theory and practice, the policy development process, and Bureau expectations for future leadership. To date, approximately 570 Bureau employees have attended this program.

The National Recruitment Office (NRO) was established in September 1987 for the purpose of attracting qualified candidates to staff various entry level positions. NRO creates national advertisements to convey positive images about career opportunities in corrections, and holds informational job fairs at the sites of new facilities. During 1990, over ten thousand requests for employment information were processed in response to aggressive advertising and recruitment activities. Additionally, due largely to NRO efforts over the past two years, both correctional officer registers and correctional officer bilingual registers have quadrupled.

The Bureau of Prisons achieved significant progress in the area of pay enhancements that are critical to staff recruitment and retention, particularly in specialty occupations and high cost areas. Physician Assistants, Psychologists, Correctional Officers, and other occupations benefited from additional pay rates established in FY 1990. Nationwide, more than 2,000 employees are now under special pay rates.

During 1990, the Federal Employees Pay Comparability Act of 1990 was passed. This critical legislation contains several provisions which could ultimately enhance the recruitment and retention of qualified law enforcement personnel, especially in certain localities where Federal salaries are not competitive with those offered by other public or private sector entities.

The Bureau continued to operate its own applicant processing and hiring program for select occupations, including Correctional Officer. The Bureau now operates the largest examining process in the Federal government outside of the Office of Personnel Management (OPM). More than 30,000 applicants were processed in FY 1990.

Optical scan technology was developed for use in a revised Management Preference Profile system for the Bureau, as well as an executive track data base on Preference Profiles. The revised Management Preference Profile system will be used by agency managers in the hiring process. The new system will reflect the Manager's occupational skills in the job description. In addition to its use in providing managers with personal feedback, the process helps to identify the training needs of broad groups of agency managers.

During 1990, the Bureau established a strategy to centralize the review process for all program areas, starting with Health Services, Correctional Services and Community Corrections. In addition, a new system of review was established for the Institution Character Profile, resulting in more consistent data to each institution by Regional Staff to assess the quality of life in each institution, and is intended to complement the Prison Social Climate Survey conducted by questionnaire.

Program Changes:	1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Administrative Services.....	418	415	\$52,690	419	416	\$53,176	1	1	\$486

In 1992 the Bureau is requesting one position, one workyear and \$486,000 to cover the increased costs necessary to support the Department's upgrading of the Financial Management Information System and the conversion to the Department of Agriculture Payroll/Personnel System.

Federal Prison System
Salaries and expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Estimates by Program	Estim. SC FCI		1992 Activations		Seymour Johnson Expansion		Terre Haute Seg Unit	
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY
Inmate care, custody and programs:								
Inmate care	42	9	\$3,860	33	17	\$4,118	23	15
Institution security	166	28	1,961	156	78	3,774	44	33
Unit management	37	6	1,774	26	13	1,960	11	7
Inmate programs	29	5	780	18	8	866	10	5
Subtotal	274	48	8,395	233	116	10,738	86	60
Institution administration and maintenance								
Institution administration	60	10	3,837	53	20	4,486	27	18
Staff training	3	0	236	3	2	243	1	0
Institution maintenance	31	4	2,172	17	9	2,665	9	6
Subtotal	94	14	6,245	73	37	7,394	37	24
Contract confinement	0	0	0	0	0	0	0	0
Program direction								
Executive direction and control	0	0	0	0	0	0	0	0
Administrative services	0	0	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0	0	0
TOTAL	368	62	14,640	306	153	18,132	125	84
							30	7
								1,587

Justification of Multi-Activity Program Changes (Con't)
(Dollars in thousands)

Estimates by Program	1992 Activations (Con't)									
	Oakdale II Detention Units		Bg Spring Satellite Camp		Tyndal Camp Expansion		Memphis Detention Unit			
	Pos	WY	Pos	WY	Pos	WY	Pos	WY	Pos	WY
Inmate care, custody and programs										
Inmate care	7	\$1,581	6	3	\$572	2	1	\$276	7	3
Institution security	20	1,060	10	2	191	6	1	114	13	3
Unit management	11	959	6	1	222	3	1	143	6	1
Inmate programs	5	450	5	0	133	3	0	74	5	0
Subtotal	43	4,070	27	6	1,118	14	3	607	31	7
Institution administration and maintenance										
Institution administration	10	1,134	7	2	425	4	1	228	7	2
Staff training	0	37	0	0	17	0	0	11	0	0
Institution maintenance	3	975	2	0	280	0	0	139	2	0
Subtotal	13	2,146	9	2	732	4	1	378	9	2
Contract confinement	0	0	0	0	0	0	0	0	0	0
Program direction										
Executive direction and control	0	0	0	0	0	0	0	0	0	0
Administrative services	0	0	0	0	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0	0	0	0	0
TOTAL	56	6,216	36	8	1,850	18	4	985	40	9
										2,276

Justification of Multi-Activity Program Changes (Con't)
(Dollars in thousands)

1992 Activations (Con't)												
Estimates by Program	Seagoville Detention Unit			Alameda Complex			Brooklyn, NY			Acquired Facilities		
	Pts	WY	Amount	Pts	WY	Amount	Pts	WY	Amount	Pts	WY	Amount
Inmate care, custody and programs:												
Inmate care	7	3	\$576	33	17	\$4,118	33	28	\$4,118	94	52	\$6,688
Institution security	13	3	260	159	79	3,774	146	123	3,774	114	60	4,369
Unit management	6	1	287	26	13	1,960	26	22	1,960	33	17	2,326
Inmate programs	5	0	158	18	8	866	18	15	866	30	20	1,455
Subtotal	31	7	1,381	235	117	10,738	223	188	10,738	261	149	15,038
Institution administration and maintenance												
Institution administration	7	2	478	53	26	4,053	53	44	4,575	81	45	5,140
Staff training	0	0	26	3	2	243	3	2	243	3	1	242
Institution maintenance	2	0	391	17	9	2,655	17	14	2,665	27	15	2,117
Subtotal	9	2	895	73	37	6,961	73	60	7,483	111	61	7,499
Contract confinement	0	0	0	0	0	0	0	0	0	0	0	0
Program direction												
Executive direction and control	0	0	0	0	0	0	0	0	0	0	0	0
Administrative services	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	40	9	2,276	308	154	17,699	296	248	18,221	372	210	22,537

Justification of Multi-Activity Program Changes (Cont'd)
(Dollars in thousands)

Estimates by Program	1992 Activations (Cont'd)									
	Florence Complex		Total Activations		Population Increase		Community Corrections		Other Initiatives	
	Amount	Pos	WY	Amount	Amount	Amount	Amount	Pos	WY	Amount
Inmate care, custody and programs										
Inmate care	\$2,160	283	158	\$31,860	\$21,437	0	0	6	3	\$8,894 1/
Institution security	810	655	432	22,025	2,049	0	0	0	0	0
Unit management	1,080	196	94	14,048	2,148	0	0	100	50	5,262 2/
Inmate programs	0	149	66	6,480	2,804	0	0	0	0	0
Subtotal	4,050	1,483	750	74,413	28,438	0	0	106	53	14,156
Institution administration and maintenance										
Institution administration	0	368	187	27,185	1,042	0	0	0	0	0
Staff training	0	16	7	1,440	0	0	0	0	0	2,428 3/
Institution maintenance	1,350	128	60	17,110	13,175	0	0	0	0	0
Subtotal	1,350	512	254	45,735	14,217	0	0	0	0	2,428
Contract confinement	0	0	0	0	0	\$10,000	0	0	0	6,686 4/
Program direction	0	0	0	0	0	0	0	0	0	0
Executive direction and control	0	0	0	0	0	0	0	0	0	0
Administrative services	0	0	0	0	0	0	0	0	0	\$417
Subtotal	0	0	0	0	0	0	0	0	0	417
TOTAL	5,400	1,995	1,004	120,148	42,655	10,000	0	106	53	23,270
										417

1/ Medical Services Enhancements
2/ Drug Abuse Treatment
3/ Employee Development
4/ Drug Abuse Aftercare

Justification of Multi-Activity Program Changes (Con.)
(Dollars in thousands)

Estimates by Program	Department Payroll			Total Changes		
	Pos	WY	Amount	Pos	WY	Amount
Inmate care, custody and programs						
Inmate care	0	0	0	289	161	\$62,191
Institution security	0	0	0	855	432	24,074
Unit management	0	0	0	296	144	21,459
Inmate programs	0	0	0	149	66	9,284
Subtotal	0	0	0	1,589	803	117,007
Institution administration and maintenance						
Institution administration	0	0	0	369	187	28,227
Staff training	0	0	0	16	7	3,669
Institution maintenance	0	0	0	128	60	30,285
Subtotal	0	0	0	512	254	62,380
Contract confinement	0	0	0	0	0	16,696
Program direction						
Executive direction and control	0	0	0	0	0	0
Administrative services	1	1	\$69	1	1	486
Subtotal	1	1	69	1	1	486
TOTAL	1	1	69	2,102	1,058	196,559

**Federal Prison System
Salaries and expenses
Financial Analysis - Program Charges
(Dollars in thousands)**

Item	Inmate Care		Institution Security		Unit Management		Inmate Programs		Institution Administration		Staff Training	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GM-15.....	6	\$535	0	\$0	0	\$0	0	\$0	4	\$269	0	\$0
GS-14.....	0	0	0	0	0	0	0	0	42	2,422	0	0
GS-13.....	4	197	0	0	0	986	34	1,577	0	0	0	0
GS-12.....	8	336	4	168	53	2,228	31	1,303	27	1,135	0	0
GS-11.....	125	4,455	15	535	66	2,352	71	2,531	20	713	16	570
GS-10.....	4	131	0	0	0	0	0	0	0	0	0	0
GS-09.....	4	120	13	391	86	2,585	13	391	57	1,713	0	0
GS-08.....	25	669	158	4,352	0	0	0	0	0	0	0	0
GS-07.....	1	25	448	11,292	20	504	0	0	115	2,899	0	0
GS-06.....	5	115	217	4,998	0	0	0	0	48	1,105	0	0
GS-05.....	0	0	0	0	51	1,072	0	0	0	0	0	0
Ungraded.....	105	4,207	0	0	0	0	0	0	55	2,204	0	0
Total Positions and annual Rate.....	289	10,813	855	21,716	296	9,737	149	5,393	368	12,460	16	570
Lapse (-).....	(128)	(3,693)	(423)	(12,204)	(152)	(4,385)	(83)	(2,395)	(181)	(5,221)	(9)	(260)
11.1 Workyears and Compensation.....	161	7,120	432	9,532	144	5,312	66	3,302	187	7,239	7	310
11.5 Other personnel compensation.....	6	419	17	1,091	2	163	1	96	1	92	0	0
Total Workyears and compensation.....	167	7,539	449	10,623	146	5,505	67	3,403	188	7,331	7	310
12.0 Personnel benefits.....	3,615	5,094	5,094	2,640	186	5	1,728	3,515	3,515	149	300	0
21.0 Travel and travel of persons.....	45	65	0	0	0	0	4	1,606	0	0	0	0
22.0 Transportation of things.....	0	0	0	0	0	0	0	3,403	0	0	0	0
23.1 Standard level user charges.....	0	0	0	0	0	0	0	0	0	0	0	0
23.2 Rental payments to others.....	0	0	0	0	0	0	0	0	0	0	0	0
23.3 Comm, utilities and misc.....	96	0	0	0	0	0	0	0	0	0	0	0
24.0 Printing and reproduction.....	0	0	0	0	0	0	0	0	0	0	0	0
25.0 Other services.....	11,368	628	628	416	416	0	982	7,097	0	0	1,165	0
26.0 Supplies and materials.....	21,221	369	369	369	369	0	1,509	1,509	338	0	1,358	0
31.0 Equipment.....	18,222	6,917	6,917	12,275	12,275	0	2,446	3,764	1,408	0	1,408	0
41.0 Grants, subsidies, and contr.....	0	0	0	0	0	0	0	0	0	0	0	0
42.0 Insurance claims and indemn.....	0	0	0	0	0	0	0	0	0	0	0	0
Total Workyears and Oblig, 1992.....	167	62,191	449	24,076	146	21,458	67	9,384	188	28,227	7	3,868

Financial Analysis - Program Changes, Cont'd
(Dollars in thousands)

Item	Institution Maintenance		Contract Confinement		Executive Dir. and Control		Administrative Services		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades										
GM-15.....	0	\$0	0	\$0	0	\$0	12	\$807		
GM-14.....	0	0	0	0	0	0	43	2,470		
GS-13.....	0	0	0	0	0	0	58	2,860		
GS-12.....	0	0	0	0	0	0	123	5,170		
GS-11.....	0	0	0	0	0	0	313	11,156		
GS-10.....	0	0	0	0	0	0	4	131		
GS-09.....	0	0	0	0	0	0	173	5,200		
GS-08.....	0	0	0	0	0	0	183	5,941		
GS-07.....	0	0	0	0	0	0	284	14,728		
GS-06.....	0	0	0	0	0	0	270	10,218		
GS-05.....	0	0	0	0	0	0	51	1,072		
Ungraded.....	128	5,128	0	0	0	0	288	11,539		
Total Positions and annual rate.....	128	5,128	0	0	0	0	2,102	66,384		
Lapse (-).....	(68)	(1,962)	0	0	0	0	(1,044)	(30,120)		
11.1 Workyears and Compensation.....	60	3,165	0	0	0	0	1,058	36,264		
11.5 Other personnel compensation.....	1	53	0	0	0	0	28	1,914		
Total Workyears and compensation.....	61	3,219	0	0	0	0	1,086	38,178		
12.0 Personnel benefits.....		1,542	0	0	0	0	23	18,306		
21.0 Travel and transportation.....		0	0	0	0	0	0	2,362		
22.0 Transportation of things.....		0	0	0	0	0	0	3,477		
23.1 Standard level user charges.....		0	0	0	0	0	0	0		
23.2 Rental payments to others.....		0	0	0	0	0	0	0		
23.3 Comm. utilities and misc.....		12,166	0	0	0	0	0	12,346		
24.0 Printing and reproduction.....		0	0	0	0	0	0	0		
25.0 Other services.....		684	0	0	0	0	415	39,461		
26.0 Supplies and materials.....		4,892	0	0	0	0	0	29,587		
31.0 Equipment.....		7,782	0	0	0	0	0	52,275		
41.0 Grants, subsidies, and contr.....		0	0	0	0	0	0	0		
42.0 Insurance claims and indem.....		0	0	0	0	0	0	0		
Total Workyears and Oblig. 1992.....	61	30,285	0	16,686	0	0	1,086	186,559		

FEDERAL PRISON SYSTEM
Priority Ranking

<u>Base Program</u>		<u>Program Increases</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Inmate Care	1	Inmate Care	1
Institution Security	2	Institution Security	2
Institution Administration	3	Unit Management	3
Institution Maintenance	4	Inmate Programs	4
Executive Direction	5	Staff Training	5
New Construction	6	Institution Maintenance	6
Modernization and Repair of Existing Facilities	7	Contract Confinement	7
Contract Confinement	8	Modernization and Repair of Existing Facilities	8
Federal Prison Industries, Inc.	9	New Construction	9
Unit Management	10	Institution Administration	10
Inmate Programs	11	Federal Prison Industries, Inc.	11
Administrative Services	12	Commissary	12
Staff Training	13	Administrative Services	13
National Institute of Corrections	14		
Commissary	15		

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**Federal Prison System
Salaries and Expenses
Detail of Personnel Positions by Category
Fiscal Years 1990 - 1992**

Category	1990 Authorized	1991 Enacted	1992	
			Program Increases	Total
Attorneys (005).....	10	10	...	10
Paralegal Specialist (950).....	66	96	7	103
Other Legal and Kindred (900-998).....	515	688	75	763
Correctional Institution Administration (006).....	803	1,040	99	1,139
Correctional Officers (007).....	8,229	10,190	799	10,989
Other Misc. Occupations (001-099).....	245	298	124	420
Soc. Science, Econ. and Kindred (100-199).....	1,092	1,324	268	1,592
Personnel Management (200-299).....	328	570	82	652
General Admin. Clerical and Office Services (300-399).....	988	1,061	89	1,150
Biological Science (400-499).....	1	1	...	1
Physical and Biological (500-599).....	514	621	161	784
Medical, Dental & Public Health (600-799).....	1,320	1,928	142	2,070
Engineering and Architecture Group (800-899).....	22	22	...	22
Information and Arts Group (1000-1099).....	2	2	...	2
Business and Industry Group (1100-1199).....	114	153	8	161
Mathematics and Statistics Group (1500-1599).....	1	1	...	1
Equipment, Facilities and Service Group (1600-1699).....	350	419	41	460
Education Group (1610-1611; 1700-1799).....	695	872	59	931
Supply Group (2000-2099).....	78	98	3	102
Transportation (2100-2199).....	...	...	4	4
Ungraded (culinary, farm, mechanical & construction).....	2,074	2,708	238	2,946
Total.....	17,471	22,100	2,102	24,202
Washington.....	602	607	...	607
U.S. Field.....	16,869	21,493	2,102	23,595
Total.....	17,471	22,100	2,102	24,202

Federal Prison System
Salaries and expenses
Summary of Change

	Pos.	FTE	\$ (000)
1991 as enacted.....	22,100	19,342	1,357,843
Proposed supplemental transfer.....	0	0	(4,205)
1991 appropriation anticipated.....	22,100	19,342	1,353,638
1992 Adjustments to base:			
Mandatory Increases:			
One Additional Compensable Day.....	0	0	3,434
1991 Pay Annualization.....	0	0	7,347
1992 Pay Raise.....	0	0	26,429
Annualization of 1991 Program Increases.....	0	2,327	103,263
Executive Level/SIS Pay Increase.....	0	0	136
Special Pay Rates.....	0	0	2,390
Federal Law Enforcement Pay Reform Act.....	0	0	41,634
General Pay Reform Costs.....	0	0	2,642
Medical Compensation.....	0	0	4,274
Health Benefits.....	0	0	1,508
Federal Insurance Contribution Act (FICA).....	0	0	510
Travel: Mileage.....	0	0	32
GPO and Department Printing.....	0	0	154
Security Investigations.....	0	0	3,000
Security Reinforcements.....	0	0	334
GSA Rent.....	0	0	23
GSA Recurring Reimbursable Services.....	0	0	4,400
General Pricing Level Adjustments.....	0	0	
Total, Mandatory Increases.....	0	2,327	202,515
Decreases:			
Unemployment Compensation.....	0	0	(38)
Financial Operations Services.....	0	0	(625)
Nonrecurring Activation Costs.....	0	0	(14,254)
Total, Decreases.....	0	0	(14,917)

Summary of Changes, Cont'd

	Pos.	FTE	\$ (000)
1992 Base.....	22,100	21,669	1,541,276
1992 Program Increases:			
Population Increase:			
Institution (62,450 to 71,590).....	0	0	42,655
Activation of New Facilities:			
Serrano Johnson, SC Camp Expansion, 300 beds (1/92).....	125	84	8,331
Brooklyn, MI Interim Facility, 300 beds (11/91).....	256	248	18,228
Alameda, CA Complex, 100 beds (6/92).....	308	154	17,799
Gardner, MA Complex, 100 beds (6/92).....	304	151	18,132
Terra Nova, TX Complex, 100 beds (6/92).....	30	7	1,587
Oakdale II Detention Units, 328 beds (6/92).....	56	56	6,214
Big Spring Satellite Camp, 150 beds (6/92).....	36	8	1,850
Lyndall Camp Expansion, 75 beds (6/92).....	18	4	985
Memphis Detention Unit, 150 beds (6/92).....	40	9	2,276
Seagrville Detention Unit, 150 beds (6/92).....	40	9	2,276
Estill, SC FCI with Camp, 1,000 beds (7/92).....	568	62	14,640
Florence, CO Complex (equipment only) (10/92).....	0	0	5,400
Acquired Facilities, 1,430 beds.....	372	210	22,537
Subtotal, Activations (5,933 beds).....	1,995	1,004	120,148
Enhance Medical Services:			
Contract Medical.....	0	0	2,000
AIDS Treatment.....	0	0	6,142
Kidney Dialysis.....	6	3	752
Total, Medical Services Enhancements.....	6	3	8,894
Drug Abuse Treatment:			
Residential Treatment.....	100	50	5,242
Transitional Services.....	0	0	6,666
Total, Drug Treatment Program.....	100	50	11,948
Employee Development.....	0	0	2,428

Summary of Change, Cont'd

Expand Community Corrections:			
Contract State and Local (3,210 to 3,435).....	0	0	10,000
Financial Management Information System.....	0	0	417
Payroll Personnel System.....	1	1	69
Total, Program Increases.....	2,102	1,058	106,559
1992 Estimate.....	24,202	22,727	1,737,835

Federal Prison System

Salaries and Expenses

Justification of Adjustments to Base
(Dollars in thousands)

	Work- Years	Amount
Mandatory Increases:		
1. One Additional Comparable Day This request provides for the proposed 1992 pay raise for Federal Prison employees based on 260 paid days in 1991 and 261 paid days in 1992. The request includes \$2,595,000 for pay and \$689,000 for benefits. The request includes \$2,595,000 for pay and \$689,000 for benefits.	...	\$3,484
2. 1991 Pay Annualization This pay annualization represents first quarter amounts (October through December) of the 1991 4.1 percent pay increase effective in January of 1991 plus appropriate personnel benefits (\$3,608,000 pay and \$1,739,000 benefits)	..	7,347
3. 1992 Pay Raise This request provides for the proposed 4.2 percent pay raise to be effective in January of 1992. The amount requested, \$26,429,000, represents the pay amounts for three quarters of the fiscal year plus appropriate benefits (\$20,175,000 pay and \$6,254,000 benefits = \$26,429,000).	...	26,429
4. Annualization of 4,629 New Positions Approved in 1991 This provides for the annualization of 4,629 additional positions approved in 1991 for activation and additional positions to address overcrowding.	2,327	103,263
5. Annualization of Executive Level and Senior Executive Service Pay Increases This request of \$136,000 represents only the first quarter costs (October through December) of the Executive level and Senior Executive Service proposed salary increases effective in January of 1991 (\$104,000 for pay and \$32,000 for benefits).	...	136
6. Special Pay Rates This request provides for increases as authorized by law in 5 U.S.C. 5303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. However, this request represents new special rates for only 10 recently authorized special rates and extends grade coverage for 5 existing authorized special rates.	...	2,390

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Justification of Adjustments to Base (Cont.)

	Work- Year	Amount
7. <u>Federal Law Enforcement Pay Reform Act of 1990</u>	\$41,634
This request includes \$41,634,000 to implement the Federal Law Enforcement Pay Reform Act of 1990. It includes full-year funding for law enforcement personnel for the following provisions of the Act: entry level and geographic pay and benefits provisions; language bonus provision; retention and relocation allowance provisions; and overtime and premium pay provisions. No increases are requested for support positions.		
8. <u>General Pay Reform Costs</u>	2,642
The request for costs covered by the Federal Employees Pay Comparability Act of 1990 established essential departmental cost requirements for this new government-wide pay system, which attempts to achieve full pay parity between federal and non-federal employees on a geographic basis. This increase allows \$2,642,000 for fifty percent of the Department's request for two provisions contained under this Act: staffing differential costs for GS-5, 7, 9, occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide adjustments for new positions, appropriate benefits, vacancy rates and cost-of-living increases. No increases are requested for discretionary allowances.		
9. <u>Accident Compensation</u>	945
This increase reflects the billing provided by the Department of Labor for the actual costs in 1990 of employees' accident compensation. The 1992 amount will be \$945,000 over the 1991 base.		
10. <u>Health Benefits</u>	4,274
The Federal Employees Health Benefits Act (P.L. 93-261) provided that the Government's share of health insurance would be 60 percent of the total rate of the plan. In 1975, effective for the first full pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 16 percent annually. Changes in enrollment plan since several plans are no longer available. The requested increase of \$4,274,000 provides funds for actual increased costs from pay period 3 to pay period 2, projected for a full year.		
11. <u>Federal Insurance Corporation Act</u>	1,508
Beginning the first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated increased to \$51,300. In addition, the rate increased to 7.65 percent. Medicare rates remained at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. This increase of \$1,508,000 is computed on these rate changes.		
12. <u>Travel Mileage</u>	\$560
The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$560,000 for this change in allowance.		

Justification of Adjustments to Base (Cont'd)

	Work- Years	Amount
13. Government Printing Office (GPO) and Department Printing..... The GPO is currently projecting a six percent increase over the 1991 printing costs of \$661,000. An additional \$52,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.	...	52
14. Security Investigations..... The Office of Personnel Management (OPM) has notified users of an 8 percent increase in the standard rate charged for each full-field investigation over the 1991 base cost of \$2,300. The mandatory increase is calculated on the separation rate for 1991 (based on 1990 actuals) for a total increase of \$154,000.	...	154
15. Security Investigations..... The security reclassification program has been receiving widespread attention due to the increase in espionage cases and the many situations where employees, who had been working in their jobs for a number of years, were discovered to be involved in various activities that were detrimental to the Nation's security. The OPM Federal Personnel Manual, Chapter 750 requires incumbents of certain positions to be reclassified, at a minimum, every 5 years. By 1992, the Department will require over 7,600 employees to be reclassified in each of the next 5 years to address the already existing backlog. An increase of \$3,000,000 will be required in 1992.	...	3,000
16. General Services Administration (GSA) Rent..... GSA will continue to charge the Department for those charges to commercial tenants for space and related services. Because of the tremendous increase in rental charges, GSA has allowed an overall 15 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$34,000 provides for this actual increase over the expected 1991 billing level.	...	34
17. GSA Reimbursable Services..... Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in excess of normal working hours. GSA estimates that a 15 percent increase is needed for the Department, although increase amounts by organization vary based on anticipated actual billings. This request for \$23,000 includes a Departmental redistribution to meet these actual needs as well as the 15 percent increase over our projected 1991 base.	...	23
18. General Pricing Level Adjustment..... The increased costs identified result from applying a factor of 4.1 percent against those subject classes in inmate care where the prices that the Government pays are established through the market system instead of by law or regulation. The factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where increases have already been built into the 1992 estimates.	...	\$4,400
Total mandatory increases.....	2,377	202,535

Justification of Adjustments to Base (Cont.)

Decreases (Automatic non-political):

	Work- Year	Amount
1. <u>Unemployment Compensation Redistribution:</u>		
This request is for the automatic redistribution of unemployment compensation. Billing provided by the Department of Labor on employees' unemployment compensation. Based on the actual billing, a redistribution of the Department's base is necessary. The 1992 amount will be \$307,000, or \$30,000 under the 1991 base.	...	-30
2. <u>Financial Operations and Systems Services (FOS):</u>		
This request provides for the additional costs in 1992 for FOS and the Department's Financial Management Information System (FMIS) processing charges. A 7.5 percent increase is required for these charges. For 1991, no mandatory increase was requested. Personnel benefits, space, printing and data processing rates have all increased over time. Therefore, a decrease of \$187,000 is requested for 1992. In addition, A redistribution of budget authority, based on actual costs, is necessary. The requested redistribution amount is (\$130,000).	...	-625
3. <u>Non recurring costs activation/construction:</u>		
Total decreases:	---	-15,235
Total, adjustments to base:	---	-15,917
	2,327	187,638

Federal Prison System
Salaries and Expenses
Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Grades and salary ranges	1990 Actuals		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-6 \$108,100.....	1		1		1		0	
ES-6 \$100,500.....	13		13		13		0	
ES-6 \$95,100.....	3		3		3		0	
ES-2 \$91,200.....	6		6		6		0	
ES-1 \$87,000.....	1		1		1		0	
GS/GM-15 \$61,643-80,138.....	142		247		259		12	
GS/GM-16 \$52,406-68,129.....	206		355		398		43	
GS/GM-13 \$44,348-57,650.....	303		400		458		58	
GS-12 \$37,294-48,481.....	973		1,372		1,495		123	
GS-11 \$31,116-40,449.....	2,334		3,308		3,621		313	
GS-10 \$28,322-36,818.....	92		94		96		4	
GS-09 \$25,717-33,430.....	2,004		2,366		2,539		173	
GS-08 \$23,284-30,268.....	2,311		2,718		2,901		183	
GS-07 \$21,023-27,332.....	5,617		6,344		6,928		584	
GS-06 \$18,919-24,598.....	1,159		1,937		2,207		268	
GS-05 \$16,973-22,067.....	456		458		504		51	
GS-04 \$15,171-19,725.....	14		14		14		0	
GS-03 \$13,315-17,374.....	15		15		15		0	
Ungraded positions.....	1,809		2,438		2,726		288	
1992 pay increase.....	0		0		0		0	
Total Appropriated positions.....	17,471	\$500,484	22,100	\$659,259	24,702	\$781,801	2,102	\$122,632
Pay above stated annual rates.....	0	0	0	1,992	0	4,122	0	2,130
Leaves.....	(2,492)	(68,623)	(3,011)	(84,629)	(1,728)	(48,022)	1,283	\$6,607
Savings due to lower pay scales part of year.....	0	(4,379)	0	(6,757)	0	(8,210)	0	(1,453)
Net full-time permanent.....	14,979	427,482	19,089	569,865	22,474	729,781	3,385	159,916
Other than permanent.....	403	9,057	126	2,244	126	5,645	0	3,401
Other personnel compensation.....	1,069	55,081	802	41,694	830	55,848	28	14,154
Special personnel services payments.....								
Total, workyears and personnel compensation.....								
Average ES Salary.....		(77,618)		(89,261)		(93,010)		
Average GS/GM Salary.....		(28,519)		(29,839)		(32,472)		
Average GS/GM Grade.....		(8.6)		(8.6)		(8.6)		
Average Ungraded Salary.....		(33,982)		(35,081)		(36,471)		

Summary of Requirements by Grade and Object Class (Con't)
(Dollars in thousands)

Object Class	1990 Actuals		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11 Personnel compensation:								
11.1 Full-time permanent.....	14,979	\$427,482	19,089	\$569,865	22,474	\$729,781	3,385	\$159,916
11.3 Other than full-time permanent:								
Temporary Employment.....	241	5,434	74	1,346	74	3,387	0	2,041
Other part-time and intermittent employment	162	3,623	52	898	52	2,256	0	1,360
11.5 Other personnel compensation:								
Overtime.....	786	32,043	593	24,182	614	32,302	21	8,210
Other compensation.....	283	21,118	209	17,532	216	23,456	7	5,944
11.8 Special personnel compensation.....	0	7,788	0	8,633	0	9,220	0	587
Total.....	16,651	499,408	20,017	622,436	23,430	800,494	3,413	178,058
12 Personnel benefits.....	156,417		191,254		268,298			77,044
13 Benefits for former personnel.....	411		398		450			52
21 Travel and transportation of persons.....	26,484		24,296		25,532			1,236
22 Transportation of things.....	6,629		6,260		12,373			4,113
23.1 GSA rent.....	4,403		3,998		4,503			505
23.2 Rental payments to others.....	1,637		2,681		329			(2,552)
23.3 Communications, utilities and misc. charges.....	54,823		74,555		86,876			12,323
24 Printing and reproduction.....	3,146		850		2,763			1,913
25 Other services.....	188,059		207,862		248,927			41,065
26 Supplies and materials.....	129,480		150,857		180,532			29,675
31 Equipment.....	32,517		54,795		87,834			33,032
41 Grants, subsidies, and contributions.....	1,233		1,770		2,142			372
42 Insurance claims and indemnities.....	114		114		139			25
43 Interest and dividends.....	390		0		0			0
Total direct obligations.....	1,105,458		1,344,326		1,721,194			376,868

Summary of Requirements by Grade and Object Class (Cont.)
(Dollars in thousands)

Object Class	1990 Actuals		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES								
11.1 Personnel compensation:								
Military.....		10,924		11,361		11,815		454
Total workyears and personnel compensation....		10,924		11,361		11,815		454
Other Objects:								
12.1 Personnel benefits: Military.....		4,154		4,320		4,493		173
21 Travel and transportation of persons.....		40		42		44		2
22 Transportation of things.....		110		114		119		5
25 Other services.....		158		164		170		6
Total direct obligations, RMS Allocation.....		15,366		16,001		16,641		640
Total obligations Salaries and Expenses.....	16,451	1,120,844	20,017	1,360,327	23,450	1,737,835	3,413	377,508
Unobligated balance, start-of-year.....		(2,007)		(2,484)				
Unobligated balance, end-of-year.....		2,484						
Unobligated balance, lapsing.....		7,484						
Total requirements.....		1,128,805		1,357,843		1,737,835		
Relation of obligations to outlays:								
Total obligations.....		1,120,844		1,360,327		1,737,835		
Unobligated balance, start-of-year.....		164,015		176,524		196,701		
Obligated balance, start-of-year.....		(176,524)		(196,701)		(224,106)		
Obligated balance, end-of-year.....								
Outlays.....		1,106,335		1,340,150		1,710,430		

Federal Prison System
Salaries and expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1989 End of Year Inventory		1990		1991		1992		Average Cost	End of Year	End of Year
	Acquired	Disposed	Acquired	Disposed	Acquired	Disposed	Acquired	Disposed			
Direct Purchase:											
Limousine	15	4	25	4	46	1	2	1	\$16,500	47	1
Large sedan	88	8	101	45	116	18	45	18	15,400	161	18
Middle sedan	15	15	15	1	14	2	12	2	13,800	12	12
Compact sedan	...	...	...	...	...	...	...	...	...	...	...
Subcompact sedan	...	...	...	...	...	...	...	...	...	...	...
Small sedan	...	...	...	...	...	...	...	...	...	...	...
Station wagon	78	2	90	35	119	12	35	12	16,000	142	12
Van	90	4	98	42	135	5	70	18	18,000	187	18
Ambulance	6	8	3	3	11	3	3	1	25,000	14	14
Bus	38	4	42	8	50	1	4	1	220,000	53	53
Special purpose:	104	6	122	37	142	25	25	20	17,000	147	147
4 wheel drive	...	...	...	...	...	...	...	...	...	...	...
Other	...	...	...	...	...	...	...	...	...	...	...
Trucks:	554	30	582	115	652	45	160	45	12,000	767	767
Pickup	728	1	727	23	757	5	30	5	25,000	782	782
Other	...	...	...	...	...	...	...	...	...	...	...
Subtotal purchased	1,116	55	1,220	330	1,440	90	374	122	20,622	1,712	1,712
Leased:											
Large sedan	4	...	9	10	19	...	4	...	...	23	23
Middle sedan	10	...	15	20	35	...	15	...	...	50	50
Other	37	...	37	20	57	...	20	...	...	77	77
Subtotal leased	51	...	61	50	111	...	39	...	...	150	150
No Cost Vehicles	25	...	25	30	49	6	30	6	...	1,935	1,935
Total Vehicles	1,192	55	1,306	410	1,620	96	443	128	20,622	1,862	1,862

	1990 Actual	1991 Estimate	1992 Estimate
<u>Federal Prison System</u>			
<u>Salaries and expenses</u>			
<u>Consulting and Related Services</u>			
(Dollars in thousands)			
Consulting Services.....	...	\$100	...
Management and Professional Services.....	\$54	300	\$260
Special Studies and Analysis.....	...	...	...

Consulting services are used in the Federal Prison System only for services which cannot be performed in-house.

Department of Justice
Federal Prison System
National Institute of Corrections
Estimates for Fiscal Year 1992
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Federal Prison System
National Institute of Corrections
Summary Statement
Fiscal Year 1992

The National Institute of Corrections (NIC) is requesting, for 1992, a total of \$10,221,000, 53 permanent positions and 53 workyears. This request represents an increase of \$214,000 over the 1991 appropriation enacted.

The mission of the NIC is to work with Federal, State and local governments to assist them in developing and training corrections staff, to conduct and support research regarding ways to improve correctional programs and to serve as a clearinghouse for information on improvements in corrections.

Recognizing the problem with which the Federal criminal justice system is presently confronted, the Administration has set forth as a priority to increase prison space to house the growing number of Federal offenders. In direct support of this priority, NIC, through its training and technical assistance activities, lessens the likelihood that State and local prison populations will "spill over" into the Federal Prison System.

Without NIC's continuing assistance and leadership in providing relevant training and responsive intervention, the deficiencies that plague State and local correctional agencies (i.e., insufficient training of staff) will be exacerbated during a period when prisons and jails are experiencing unprecedented growth, crowding and diminishing resources with no relief in sight for the foreseeable future.

The services performed by NIC are extensive but have a comparatively low cost to the Federal Government. In fact, a large part of the resources made available to NIC are used for the delivery of services to the corrections community. This is possible because NIC has implemented several cost saving initiatives. For example, NIC contracts with a private vendor to operate its clearinghouse function and perform certain accounting activities; enters into agreements with State and local governments through the Intergovernmental Personnel Act (IPA); and uses consultants to deliver technical assistance and provide training. The use of the IPA and consultants provides NIC flexibility to expand or decrease its staff as program requirements dictate, without the attendant long-term fiscal commitment.

Federal Prison System

National Institute of Corrections

Justification of Proposed Changes in Appropriation Language

The 1992 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

National Institute of Corrections

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, [(\$10,007,000)]

and for provision of technical assistance and advice on corrections related issues to foreign governments

\$10,221,000

(18 U.S.C. 4351-4353, Department of Justice Appropriations Act, 1991; additional authorizing legislation to be proposed.)

Explanation of Changes

The change in appropriation language will allow NIC to provide assistance to foreign countries.

Federal Prison System
National Institute of Corrections
Crosswalk of 1991 Changes
(Dollars in thousands)

	<u>1991 President's</u>		<u>Approved</u>		<u>1991 Appropriation</u>	
	<u>Budget Request</u>		<u>Reprogramming</u>		<u>Enacted</u>	
<u>Activity/Program</u>	<u>Pos</u>	<u>WY Amount</u>	<u>Pos</u>	<u>WY Amount</u>	<u>Pos</u>	<u>WY Amount</u>
National Institute of Corrections	53	53 10,007	...	.. ...	53	53 \$10,007

Federal Prison System
National Institute of Corrections
Summary of Requirements
(Dollars in thousands)

Adjustments to base:	1990 as Budgeted		1991 Appropriation		1992 Base		1992 Estimate		Work- Year	Amount
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount		
1991 as Budgeted.....	53	\$10,007							53	\$10,007
Manpower Increases.....	...	214							...	214
1992 Base.....	53	10,221							53	10,221
Estimation by budget activity	1990 as Budgeted		1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
National Institute of Corrections	49	\$9,973	49	\$9,973	53	\$10,007	53	\$10,221	...	...
BX Employment:										
Full-time permanent	49	...	49	...	53	...	53	...	...	...
Other than permanent	...	...	...	...	...	...	...	...	...	...
Total.....	49	...	49	...	53	...	53	...	...	...

Federal Prison System

Justification of Program and Performance

National Institute of Corrections (NICOS)

Long Range Goal: Provide leadership in moving corrections toward greater professionalism; develop national policies and initiatives affecting corrections with the guidance and cooperation of Federal agencies and serve as a national center to which State and local correctional agencies can turn to receive assistance; and serve as a source of correctional information and knowledge about correctional programs, policies, planning standards, and practices.

Major Objectives:

To assist in the improvement of State and local jail operations nationwide so they may become more humane, fair, efficient, effective, and comply with legal requirements.

To strengthen correctional programs by effective and efficient utilization of staff and organizational resources.

To increase the effectiveness of correctional programs by expanding the use of alternatives to incarceration and promoting a safe, humane, and constitutional environment for those offenders who must be incarcerated.

To develop the capacity to respond quickly, accurately, and informatively to a wide variety of inquiries on correctional programs, policies, standards, and practices.

To provide training to the correctional personnel.

Page Program Description: In an effort to increase coordination, reduce duplication, and upgrade State and local corrections, the National Institute of Corrections has initiated several activities, including developing memoranda of understanding between Federal agencies, placing representatives of several Federal agencies on the NIC Advisory Board, and conducting frequent meetings with representatives from the entire spectrum of correctional practices. An annual plan is approved by the Advisory Board, after which the NIC staff develops a program strategy utilizing training, technical assistance and information and policy/program development and evaluation to accomplish the objectives in the plan.

Accomplishments and Workload: Accomplishments of the National Institute of Corrections program are presented in the following table:

Item	* Estimates			
	1989	1990	1991	1992
Application papers processed.....	350	350	350	350
Grants and contracts awarded.....	58	45	45	55
Technical assistance provided.....	645	662	662	1,062
Training participants.....	1,527	1,902	1,902	2,982
Information requests processed.....	14,931	16,010	15,000	16,010

During 1990, the National Institute of Corrections awarded 45 grants and contracts to State and local correctional agencies, organizations and individuals. The Institute responded to 662 requests for technical assistance from State and local agencies in all 50 states, and the District of Columbia. Training was provided to 1,758 managers, administrators, and staff trainers at the National Academy of Corrections. In addition, due to the implementation of some strategies, an additional 1,507 individuals were trained. New strategies include audio-conferences, participation at national conferences, networking and technical assistance training. These trainers subsequently provided similar training to nearly 22,500 correctional staff in their own agencies. The NIC Information Center responded to over 16,000 information requests from Federal, State and local practitioners, due to more widespread marketing the Information Center services.

* Changes in the number for grants and contract awards, technical assistance, training and information request are based on a review of more recent data.

The increase in workload will result from anticipated reimbursable funding from the Office Justice Programs.

Federal Prison System
National Institute of Corrections
Detail of Permanent Positions by Category
Fiscal Years 1990 - 1992

Category	1990 Authorized	1991 President's Request	1992	
			Base	Program Increases Total
Correctional Institution Admin. (006).....	22	26	26	...
General Administration, Clerical and				
Office Services (300-399).....	19	19	19	...
Accounting and Budget (500-599).....	6	6	6	...
Information and Arts Group (1000-1099)....	1	1	1	...
Attorneys (905).....	1	1	1	...
Total.....	49	53	53	53
Washington.....	28	28	28	...
U.S. Field.....	19	25	25	...
Total.....	49	53	53	53

Federal Prison System
National Institute of Corrections
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
1991 Appropriation enacted.....	53	53	10,007
Mandatory Increases:			
One additional compensable day.....	...	...	10
1991 Pay Annualization.....	...	...	26
1992 pay raise.....	...	...	91
Annualization of Executive Level/SES Pay Increases.....	...	...	7
Health benefits.....	...	...	10
Federal Insurance Corporation Act.....	...	...	2
Travel Mileage.....	...	...	48
Government Printing Office and Department Printing.....	...	...	20
Total, mandatory increases.....	...	...	214
1992 Base.....	53	53	10,221
Program changes.....	...	...	...
1992 Estimate.....	53	53	10,221

Federal Prison System
National Institute of Corrections
Justification of Adjustments to Base
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work- Years</u>	<u>Amount</u>
Mandatory increases:			
1. One Additional Compensable Day.....	\$10
The annual salary rate for Federal employees is based on 260 paid days. 1992 has one more compensable day (261) than 1991 (261). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$7,500 for pay and \$2,500 for benefits.			
2. 1991 Pay Annualization.....	26
This pay annualization represents first quarter amounts (October through December) of the 1991 proposed 4.1 percent pay increase effective in January of 1991, plus appropriate personnel benefits (\$19,500 pay and \$6,500 benefits).			
3. 1992 Pay Raise.....	91
This request provides for the proposed 4.2 percent pay raise effective in January of 1992. The amount requested, \$91,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$68,250 pay and \$22,750 benefits = \$91,000).			
4. Annualization of Executive Level and Senior Executive Service Pay.....	7
This request of \$7,000 represents only the first quarter's costs (October through December) of the Executive Level and Senior Executive Service proposed salary increases effective in January of 1991 (\$5,000 for pay and \$2,000 for benefits).			

5. Health Benefits.....	...	...	10
<p>The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be sixty percent of the total rate commencing in 1975. Effective the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 16 percent due primarily to changes in the enrollment plan, since several plans are no longer available. The requested increase of \$10,000, or 17 percent, provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year.</p>			
6. Federal Insurance Corporation Act.....	...	...	2
<p>Beginning the first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated to increase to \$51,300. In addition, the rate increased to 7.45 percent. Medicare rates remain at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. This increase of \$2,000 is computed based on these rate changes.</p>			
7. Travel; Mileage.....	...	...	48
<p>The Travel Expense Amendment Act of 1975, P.L. 94-22, authorized a mileage allowance for travel within the Continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$48,000 for this change in allowance.</p>			
8. Government Printing Office (GPO) . . . Department Printing.....	...	...	20
<p>GPO is currently projecting a six-percent increase over the 1991 printing costs of \$95,000. An additional \$20,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.</p>			
Total, mandatory increases.....	...	...	214

Federal Prison System
National Institute of Corrections
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1990 Actual		1991 Estimate		1992 Request		Increase/Decrease	
	Position #	Amount	Position #	Amount	Position #	Amount	Position #	Amount
	Workyears		Workyears		Workyears		Workyears	
ES-5, \$104,600.....	1		1		1			
GS/OH-15, \$61,643-80,138.....	6		6		6			
GS/OH-14, \$52,406-66,129.....	3		3		3			
GS/OH-13, \$44,948-57,650.....	14		18		18			
GS-12, \$37,294-48,481.....	3		3		3			
GS-11, \$31,116-40,449.....	2		2		2			
GS-9, \$25,717-33,430.....	4		4		4			
GS-7, \$21,023-27,332.....	4		4		4			
GS-6, \$18,919-24,598.....	3		3		3			
GS-5, \$16,973-22,087.....	7		7		7			
GS-4, \$15,171-19,725.....	2		2		2			
1992 Pay Raise.....	...	...	...	...	...	\$91	...	\$91
Total, appropriated positions.....	49	\$2,853	53	\$2,132	53	\$2,268	...	\$136
Pay above stated annual rates.....	...	...	...	7	...	15	...	8
Lapses.....	-4	-150	...	...	...	...	...	...
Savings due to lower pay scales for part of year.....	...	...	...	-17	...	-17	...	...
Net full-time permanent.....	45	2,703	53	2,122	53	2,266	...	144
Average ES Salary.....		\$79,700		\$104,600		\$104,600		
Average GS/OH Salary.....		\$38,979		\$38,981		\$41,555		
Average GS/OH Grade.....		(10.4)		(10.6)		(10.6)		

Federal Prison System
National Institute of Corrections
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease Workyears Amount
	Workyears	Amount	Workyears	Amount	Workyears	Amount	
11.1 Full-time permanent.....	49	\$2,703	53	\$2,122	53	\$2,266	...
11.3 Other than full-time permanent...	...	...	...	...	...	...	...
Total, workyears and personnel compensation.....	49	\$2,703	53	\$2,122	53	\$2,266	...
12 Personnel benefits.....		403		591		648	57
21 Travel & transportation of persons		308		335		397	62
22 Transportation of things.....		50		83		145	62
23.2 Rental payments to others.....		213		508		529	21
23.3 Communications, utilities and miscellaneous charges.....		44		130		133	3
24 Printing and reproduction.....		0		90		161	66
25 Other services.....		3,718		4,516		5,016	500
26 Supplies and materials.....		165		98		102	4
31 Equipment.....		1,933		267		278	11
41 Grants, subsidies, and contributions		...		1,262		546	-716
Total obligations.....	49	9,545	53	10,007	53	10,221	...
Recoveries of prior year obligations..		41,117		...		...	...
Unobligated balance, start-of-year....		-696		-7		-7	7
Unobligated balance, end-of-year.....		7		7		7	7
Total requirements.....		9,973		10,007		10,221	
Relation of obligations to outlays:							
Total obligations.....		9,545		10,007		10,221	
Obligated balance, start-of-year.....		5,867		7,035		8,078	
Obligated balance, end-of-year.....		-7,035		-8,078		-8,217	
Adjustments in unexpired amounts.....		41,117		...		...
Outlays.....		5,494		8,494		10,082	

<u>Federal Prison System</u>			
<u>National Institute of Corrections</u>			
<u>Consulting and Related Services</u>			
<u>(Dollars in thousands)</u>			
	<u>1990 Actual</u>	<u>1991 Estimate</u>	<u>1992 Estimate</u>
Consulting Services.....	\$56	\$125	\$125
Management and Professional Services.....	...	...	...
Special Studies and Analysis.....	...	60	...

The Institute uses consultants to primarily assist in planning and program development efforts. Specifically, these individuals are used to identify existing issues in the field of corrections, prepare monographs on specific research topics, conduct training workshops for in-house staff, and assist in planning future initiatives addressing state and local corrections needs.

Department of Justice
Federal Prison System
Buildings and Facilities
Estimates for Fiscal Year 1992
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Federal Prison System
Buildings and Facilities
Summary Statement

The Federal Prison System (FPS) is requesting a total of \$411,593,000, 360 positions and 341 workyears for Buildings and Facilities for 1992. In addition, \$46,000,000 is expected to be transferred from the Special Forfeiture Fund. This request represents an increase of \$37,235,000, and a decrease of 18 positions and 24 workyears from the 1991 appropriation enacted.

The major objectives of the Buildings and Facilities Appropriation are to provide offenders with a safe and humane environment which affords an acceptable level of privacy and a complete range of programs and activities for improving offenders' capabilities to achieve crime-free lives, and to protect capital investment in existing facilities.

Capacity Expansion. The principal theme of the 1992 request is the continuation of the Bureau of Prisons capacity expansion program. For 1992, the Federal Prison System is requesting \$114,500,000, 1,800 positions and 1,800 workyears for buildings and facilities. This request represents an increase of \$114,500,000, 1,800 positions and 1,800 workyears from the 1991 appropriation. The request includes \$178,000,000 for new Federal Correctional Complexes for 2,350 sentenced federal offenders and \$136,850,000 to assist the U.S. Marshals Service by expanding bedspace for federal detainees by 1,250 through the construction of two new Metropolitan Detention Centers in Philadelphia, PA and Houston, TX. It should be noted that the expected transfer from the Special Forfeiture Fund will be used to fund the majority of the construction costs of the Houston Detention Center.

Current prison overcrowding coupled with projected increases in the Federal inmate population continues to be the major challenge facing the Federal Prison System. Since January 1981, the FPS facilities have experienced a dramatic 148 percent growth from 23,783 inmates to over 59,000 inmates as of January 1, 1991, an increase of over 35,200 inmates. This population growth is primarily the result of law enforcement and prosecution efforts against drug trafficking and organized crime.

As of January 1, 1991, Federal prisons are overcrowded by a system-wide average of 61 percent with several individual institutions overcrowded by more than 100 percent. Prison overcrowding is commonly related to an increased potential for inmate idleness, inmate violence and inmate litigation. It has been judged as a major contributing factor in some of the worst state prison disturbances.

The FY 1991 budget projected that the Federal inmate population would increase to 95,100 by FY 1995. This projection was based on an analysis by our Office of Research of Federal court caseload estimates presented at the March 1989 Judicial Conference. As noted in our 1991 request, we believe this projection was conservative for three reasons. First, it was based on the Judicial Conference's low growth scenario in future trends in court convictions; secondly, it excluded the potential impact, as yet unknown, of the President's proposals to enhance penalties for firearm violations and restrict plea bargaining; and third, it excluded an increased level of support for the U.S. Marshals Service by expanding bedspace for federal detainees. The Federal Prison System's request for FY 1992 includes increased levels of support in the area of pre-trial detention. As a result, the Bureau now projects that the Federal inmate population will continue to grow to 98,823 by 1995 and could reach 125,478 by 1999.

During this period of rapid growth, the Bureau of Prisons has taken every possible action within available resources to reduce institutional overcrowding to manageable proportions to ensure that federal inmates continue to serve their sentences in a safe and humane environment. These actions include increasing the utilization of contract facilities, expanding existing institutions, acquiring surplus properties and constructing new institutions.

It should be noted that the Federal Criminal Justice System has traditionally made extensive use of alternatives to confinement. In 1989, approximately 60 percent of the 133,000 Federal offenders were under supervision in the community. The principal alternative to incarceration continues to be probation. The Federal Prison System has also sought to expand alternatives to institutional confinement of prisoners. Since 1982, the community correction center population was expanded by over 3,000 offenders from 945 to approximately 4,000 inmates. This increase has reduced significantly the institutional population. In addition, during 1990, 1,425 offenders were placed on curfew parole status and FPS continued the limited use of electronic monitoring for those offenders who do not present a threat to society.

The Bureau of Prisons has increased capacity by approximately 13,000 beds since 1981. At the same time, overcrowding increased from 11 percent in 1981 to 69 percent in 1990. Funding approved and requested through 1992 for the construction of new prisons, the acquisition of surplus facilities for conversion to minimum security camps, and the expansion of existing institutions will add about 34,400 beds when completed, thus reducing the level of overcrowding to 32 percent by 1995.

In 1990, the Bureau of Prisons dedicated two new Federal Correctional Institutions, in Fairton, New Jersey and Jessup, Georgia. During January 1991, the Federal Correctional Institution in Three Rivers, Texas was dedicated. During 1990, the Bureau of Prisons also opened a Federal Detention Center in Oakland, California and the minimum security Federal Prison Camps on active duty bases at Naval Air Force Base in Nevada and Hittlington Naval Air Station in Tennessee. In addition, the Bureau entered into a contract with the United States Health Service to acquire the use of a portion of the Gillis W. Long Hansen's Disease Center in Coville, Louisiana for inmates requiring long-term chronic care.

Under construction are two Federal Correctional Complexes at Allenwood, Pennsylvania and Florence, Colorado. Additionally under construction are four medium security Federal Correctional Institutions with camps (Minersville, Pennsylvania; Eastill, South Carolina; Manchester, Kentucky; and Cumberland, Maryland) and a Federal Detention Center in Guaynabo, Puerto Rico.

Further, the Bureau of Prisons either has in design or is considering sites for four additional complexes (Butner, North Carolina, located at the site of the Federal Detention Facility, Beaumont, Texas; Orlando, Florida; and Ohio); four Federal Correctional Institutions with camps (Pekin and Greenville, Illinois; Pitt, California; and Seattle, Washington); and four Metropolitan Detention Centers (Miami, Florida; Brooklyn, New York; Washington, D.C.; and Seattle, Washington).

It should be noted, if the FY 1995 population projection of 98,823 is accurate and funding for capacity expansion is limited to what has been approved and funded through 1991, prison overcrowding will be 39 percent by 1995. Complete support of the 1992 request will add 3,600 beds and reduce overcrowding to 32 percent by 1995.

Modernization and Repair of Existing Facilities. The normal expected useful life of buildings without major repair and renovation is 30 years. Fifty percent of FPS facilities are over 30 years old. Moreover, prison facilities are subjected to heavier than normal use. The FPS has an ongoing program of repair and renovation of obsolete structures and plant facilities. Each year several high priority projects are identified by field facilities. In 1992, the Federal Prison System is requesting 46 positions, 46 workyears and \$83,395,000 for modernization and repair of existing facilities. This includes the following:

	Work - (\$000's)	
	Pos.	Amount
General Improvements.....	12	\$26,814
Utility Improvements.....	14	25,595
Hazardous Waste.....	7	13,645
Life Safety.....	7	7,370
Institution Modernization.....	6	9,971
Total.....	46	83,395

Federal Prison SystemBuildings and FacilitiesJustification of Proposed Changes in Appropriation Language

The 1992 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.]

Buildings and Facilities

For planning, acquisition of sites and construction of new facilities; purchase, leasing (the Oklahoma City Airport Trust Authority) and acquisition of facilities and remodeling and equipping of such facilities (prisons and correctional institutions) including necessary remodeling and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; (S374,358,000) ASG:288M In available until expended; Provided, That labor of United States Prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further that up to \$15,000,000 in the base will be available to construct areas for inmate work programs.

\$411,223,000

18 U.S.C. 4003, 4009, 4010, 4042, 4125; Department of Justice Appropriations Act, 1991: ADDITIONAL BUILDING CONSTRUCTION TO BE PROPOSED.

Explanation of Changes:

No substantive changes proposed.

Federal Prison SystemBuildings and Facilities

Comparison of 1991 Changes
(Dollars in thousands)

Activity/Program	1991 Appropriation		Approved		1991 Appropriation	
	Pos.	MI	Pos.	MI	Pos.	MI
1. New Construction.....	253	246	...	...	253	246
		\$290,729				\$290,729
2. Modernization and Repair of Existing Facilities.....	125	119	...	...	125	119
		\$3,629				\$3,629
	378	365	...	...	378	365
		\$74,358				\$74,358

Federal Prison System
Buildings and Facilities
Summary of Requisitions
(Dollars in thousands)

	1990 Enclosed		1990 Actual		1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease		Per- Cent	Work- Order	Amount
	Est.	MT	Est.	MT	Est.	MT	Est.	MT	Est.	MT	Est.	MT			
Adjustments to Base:															
1991 Appropriation Exceeded.....															
Inventory increase.....															
Decreases.....															
1992 base.....															
Estimates by Budget Activity:															
New Construction.....	264	192	81,300	244	139	59	8242,526		253	246	8290,729				
Modernization and Repair of Existing Facilities..	110	104	58,202		12	119	83,682		158	150	126,423				
Total.....	376	296	1,398,953		151	174	362,744		300	341	611,593				
Other Workyears:															
Overtime.....															
Total Compensable Workyears.....															
SGT Employment:															
Full-time permanent.....	376	...	376	360	...	378	...	360	...	360	...	360	74	...	74

1/ An additional \$44,000,000 is expected to be transferred from the Special Forfeiture Fund.

Federal Prison System
Buildings and Facilities
Justification of Program and Performance
Activity Resource Summary
 (dollars in thousands)

Activity/Program	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount	Perm. Pos.	WT Amount
New Construction.....	253	246 \$290,729	176	172 \$16,319	204	191 \$285,169 1/	28	12 \$268,850

Long Range Goals:

Provide safe, humane environments for both inmates and staff, which meet the basic human needs for privacy and dignity, which support voluntary programs of self-improvement that prepare inmates for their eventual release into the community, and which minimize the often corrosive effects of institutional confinement.

Expand the capacity of the Federal Prison System to keep pace with projected increases in the Federal inmate population and simultaneously reduce prison overcrowding to an acceptable level.

Major Objectives:

Review FPS capacity requirements.

Locate and acquire suitable, surplus facilities as an alternative to prison construction.

Locate and acquire suitable sites for new construction.

Prepare design programs and concepts for new facilities, including new housing units.

Construct new Federal prisons and detention centers and expand existing Federal prisons as required.

Undertake a leasing program for a new Federal prison.

Base Program Description: The Federal Prison System (FPS) continuously reviews capacity requirements, considering the inmate population level, current law enforcement initiatives, geographic origin of the confined population, and the age and condition of present facilities. If the Federal inmate population levels are projected to exceed the capacity of the Federal Prison System, every possible action is taken to keep institutional overcrowding at manageable proportions to insure that Federal inmates continue to serve their sentences in a safe and humane environment.

1/ An additional \$46,000,000 is expected to be transferred from the Special Forfeiture Fund.

It should be noted that the Federal Judiciary and the Federal criminal justice community have traditionally made extensive use of alternatives to confinement. In 1989, approximately 60 percent of the 133,000 Federal offenders were under supervision in the community. The principal alternative to incarceration continues to be probation.

The Federal Prison System has also sought alternatives to institutional confinement of prisoners. Since 1982, the community treatment center population was expanded from 948 to approximately 4,000 inmates. This increase has reduced significantly the potential institutional based population. In addition, during 1990, 1,425 offenders were placed on curfew parole status and FPS continued the limited use of electronic monitoring for those offenders who do not present a threat to society.

Several other options to constructing new prisons to reduce overcrowding have been pursued by FPS. These include contracting with state, local and private facilities, expanding existing Federal prisons, and acquiring surplus facilities.

Today, the FPS contracts with state and local governments for the confinement of approximately 2,850 Federal inmates.

From a cost perspective, the expansion of existing institutions is the least expensive technique for increasing FPS capacity. The FPS is currently building additional housing units at several facilities where program space can absorb further population increases. However, where major program areas, such as food service and utilities, are already saturated, expansion may approach the cost of newly constructed facilities.

The FPS continually reviews Federal surplus and other property for possible acquisition and conversion to correctional use. The acquisition and conversion of existing property and structures is much less expensive than new construction and such facilities can be brought on-line in a much shorter period of time. While conversion of facilities to minimum security institutions is usually feasible, it generally is not cost-effective to convert most surplus properties to higher security level institutions because appropriate physical security must be designed into the facility. Converting existing non-correctional properties to medium and maximum security facilities is frequently more expensive than the design and construction of new institutions.

If no suitable alternatives are available, FPS must construct new facilities to expand capacity. A suitable site must be located and acquired. The site acquisition process includes notification of the public and preparation of an Environmental Impact Statement. The new facility is designed by contract architects and the project is then bid for construction. Essentially, the FPS oversees construction projects that have been contracted out to private construction firms.

Since January 1981, the Federal inmate population has increased from 23,783 to over 59,000 on January 1, 1991. This dramatic 148 percent increase is the result of the law enforcement initiatives taken by this Administration, particularly the emphasis on drug trafficking and organized crime. The FY 1991 budget projected that the Federal inmate population would increase to 95,100 by 1995. We believe this projection was too conservative for several reasons; first, it was based on the Judicial Conference's low growth scenario of future trends in court convictions; secondly, it included the potential impact, as yet unknown, of the President's recent proposals to enhance penalties for firearm violations and restrict plea bargaining; and finally, it did not anticipate the increase in the number of U.S. Marshall Service pre-trial detainees the Bureau would be required to house.

It should be emphasized that the prediction of future events is no less difficult in the prison setting than in other areas of social phenomena. Future policy and discretionary decisions throughout the Federal criminal justice system will significantly affect inmate population levels. It has been the experience of the FPS that highly accurate long-range population projection methodologies simply do not exist. While there are often factors that have statistically valid correlations with prison populations, such as Federal court activities, a basic difficulty arises when one attempts to forecast those variables in order to project prison populations, or when other non-court related variables such as the immigration and naturalization Service or the District of Columbia government policies come into play.

For the 1992 request, FPS's Office of Research updated its projections to include the effect the U.S. Marshall Service detainee population will have on FPS's inmate population. The Federal inmate population is now projected to reach a level of 98,823 by 1995 and 125,478 by 1999. This update includes an increased level of support for the U.S. Marshall Service pre-trial detention needs.

As of January 1, 1991, the FPS inmate population of over 59,000 is being housed in facilities with a total rated capacity of approximately 36,600, a system-wide overcrowding rate of 61 percent. Research studies on prison overcrowding indicate that the normal tensions of institutional living become magnified and can result in increased violence. In addition, changes in prosecution policies over the past several years have resulted in a more criminally sophisticated and violent inmate population.

The Bureau of Prisons has increased capacity by approximately 13,000 beds since 1981. Funding approved and requested through 1991 for the construction of new prisons, the acquisition of surplus facilities for conversion to prison use, and the expansion of existing institutions will add about 34,400 beds when completed.

The major objective established for the Federal Bureau of Prisons is to continue to expand the capacity of the Federal Prison System to keep pace with projected increases in the inmate population and to simultaneously reduce prison overcrowding to a manageable level. It should be noted, if the FY 1995 population projection of 98,823 is accurate and funding for capacity expansion is limited to what has been approved and requested through 1991, without the continuation of capacity expansion in 1992 and beyond, prison overcrowding will be 39 percent by 1995.

For 1992, the Federal Prison System's base program includes 176 positions, 179 workyears and \$2,319,000 for planning, site acquisition, design and project supervision, and \$14,000,000 to provide work programs through the construction of new facilities.

Accomplishments and Outlook: As illustrated in the following table, since January 1981, the Federal inmate population has exploded. In January 1981, the Federal inmate population was 23,783, and Federal prisons had a surplus capacity of two percent. By the end of 1990, the Federal inmate population had increased 146 percent to 59,021, resulting in an overcrowding rate of 61 percent.

	1/1/81	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1/1/91
Year-End Population.....	23,783	26,195	28,133	30,214	32,317	36,001	41,506	44,194	44,119	51,153	58,021	59,169
Year-End Rated Capacity.....	24,311	23,648	24,072	23,936	24,874	25,532	27,785	27,854	28,143	31,727	34,239	36,624
Percent Overcrowded.....	(2%)	11%	17%	26%	30%	41%	49%	59%	57%	61%	69%	61%

To keep pace with this tremendous population growth and simultaneously reduce overcrowding, the Federal Prison System is involved in the largest construction program in its history. Since January 1981, the Federal Bureau of Prisons has dedicated two new Federal Correctional Institutions, in Baton Rouge, Louisiana and Jessup, Maryland. In 1990, the Bureau of Prisons also opened a Federal Prison Camp in Oakdale, Louisiana and two minimum security Federal Prison Camps on active military bases at Nellis Air Force Base in Nevada and Willington Naval Air Station in Tennessee. In addition, the Bureau of Prisons entered into an agreement with the United States Public Health Service to acquire the use of a portion of the Willis V. Long Hansen's Disease Center in Carville, Louisiana for inmates requiring long-term chronic care.

Under construction are two Federal Correctional Complexes at Allamwood, Pennsylvania and Florence, Colorado. Additionally under construction are four medium security Federal Correctional Institutions with camps (Minersville, Pennsylvania; Estill, South Carolina; Manchester, Kentucky; and Cumberland, Maryland) and a Federal Detention Center in Guaymas, Puerto Rico.

Further, the Bureau of Prisons either has in design or is considering sites for four additional complexes (Butner, North Carolina, located at the site of the current Butner facility; Beaumont, Texas; Orlando, Florida; and Ohio); four Federal Correctional Institutions with camps (Pekin and Greenville, Illinois; Taft, California; and Beckley, West Virginia); and four Metropolitan Detention Centers (Miami, Florida; Brooklyn, New York; Washington, D.C.; and Seattle, Washington).

To further advance the Bureau's construction program, architectural design programs were developed in draft form for Federal Correctional Institutions, U.S. Penitentiaries, Federal Prison Camps, Metropolitan Detention Centers and administrative facilities. These programs are being developed to maintain consistency not only in the design of new institutions but also in the renovation of existing institutions. In addition, several new construction techniques were initiated which are expected to shorten the construction time for new institutions. These techniques include

the use of pre-cast concrete modular cells, the use of computer-aided drafting for the design of new facilities and the design and construction of Federal Correctional Complexes. In the case of the Correctional Complexes, several correctional facilities of different security levels (e.g., U.S. Penitentiaries, Federal Correctional Institutions, Federal Prison Camps) would be constructed at one site.

The following chart details construction projects currently funded through 1991. When completed, these projects will provide approximately 34,400 new Federal prison beds.

FUNDED CAPACITY REQUIREMENTS						
	1991	1992	1993	1994	1995	TOTAL
NEW FACILITIES						
Minersville, PA FCI.....	700					
Three Rivers, TX FCI.....	550					
Allenwood, PA Complex (low).....		1,000				
Brooklyn, NY Interim Detention Facility.....		500				
Easton, SC FCI.....		1,000				
Guaymas, Puerto Rico Detention Center.....		750				
Allenwood, PA Complex (medium, high, other).....			1,415			
Cumbyland, MO FCI.....			1,000			
Florence, CO Complex (minimum, medium, high).....			2,100			
Greenville, IL FCI.....			1,100			
Manchester, KY FCI.....			700			
Miami, FL Detention Center.....			1,000			
Oklahoma City, OK Lease (Holds over).....			800			
Orlando, FL Complex (minimum).....			250			
Pekin, IL FCI.....			1,100			
Beaumont, TX Complex (minimum, low, medium).....				2,100		
Brooklyn, NY Detention Center.....				750		
Butler, NC Complex.....				1,550		
Ohio Complex (minimum).....				250		
Orlando, FL Complex (low, medium, high).....				2,350		
Seattle, WA Detention Center.....				600		
Taft, CA FCI.....				1,100		
Washington, D.C. Detention Center.....				1,000		
Beaumont, TX Complex (high).....					500	
Beckley, WV FCI.....					1,100	
Ohio Complex (medium, high).....					2,350	
EXPANSION PROJECTS/ACQUIRED FACILITIES						
	1,510	2,433	1,792	82	550	
TOTAL APPROVED/FUNDED CAPACITY	2,760	6,003	11,237	9,782	4,500	34,390

As illustrated in the following table, resources funded through 1991 will have a tremendous impact on the overcrowding rate in the Federal prisons. In 1995, the population is expected to be 98,823. With the activation of the 34,400 newly constructed beds by 1995, the capacity of the Federal Prison System will increase to 71,014. This will result in a reduction of the overcrowding rate from 39 percent to 39 percent by 1995.

	1991	1992	1993	1994	1995
Starting Capacity.....	36,624	39,392	45,475	56,732	66,514
Approved/Funded Capacity.....	2,768	6,083	11,257	9,782	4,500
Subtotal Capacity.....	39,392	45,475	56,732	66,514	71,014
Population Projection.....	62,450	71,590	79,215	88,658	98,823
Percent Overcrowded.....	59%	57%	40%	33%	39%

PROGRAM CHANGES: In 1992, FPS is requesting 28 positions, 12 workyears and \$314,850,000 (including \$46,000,000 expected from the Special Forfeiture Fund) to expand its sentenced capacity by 2,350 beds and its detention capacity by 1,250 beds. The total request includes a Federal Correctional Complex and two Federal Detention Centers.

The primary mission of FPS is to carry out the judgments of the Federal Courts for sentenced Federal offenders. To keep pace with the projected growth in the Federal inmate population and reduce overcrowding to manageable levels, an increase of 12 positions, 6 workyears and \$178,000,000 is requested in 1992 to provide an additional 2,350 beds for sentenced Federal offenders at a Federal Correctional Complex.

While its primary mission is the incarceration of sentenced offenders, the Bureau of Prisons continues to assist the U.S. Marshals Service (USMS) in housing pre-trial detainees. Over the past several years, the Bureau of Prisons has steadily increased its assistance to the USMS in housing unaccompanied Federal prisoners because of the USMS' inability to lease or renege contracts with State and local jails due to overcrowding. Through joint planning efforts, the Bureau, in conjunction with USMS and the Immigration and Naturalization Service, has developed a comprehensive Federal Detention Plan.

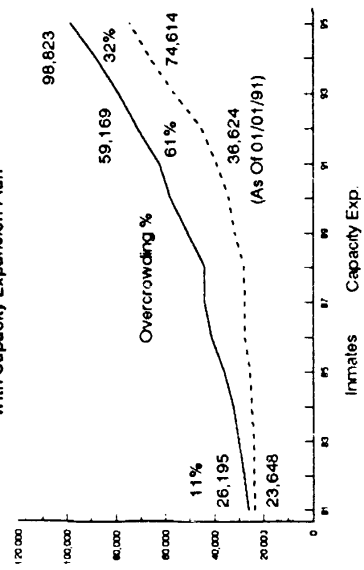
During the past decade, the Federal detainee population has exploded: the average daily detainee population has increased by almost 200 percent, from 3,600 in 1980 to more than 14,000 today. However, due to the continual loss of Federal detention bedspace in State and local facilities, the average daily detention population in the Bureau of Prisons facilities has increased 520 percent, from 844 in 1980 to 5,240 in 1990.

The USMS first attempts to meet its detention responsibilities by contracting with local jails through the use of Intergovernmental Agreements (IGAs) and the Cooperative Agreement Program (CAP). Because of the magnitude of the Bureau of Prisons' capacity expansion program currently underway, it is imperative that every effort be made to maintain and expand contracts with local jurisdictions.

The USMS has identified several Federal Court cities where they anticipate that local contracts will be insufficient to meet their pre-trial detention requirements. For these locations, the USMS has requested that the Bureau of Prisons provide detention facilities through the construction of new detention centers and the expansion or establishment of detention units at existing Federal prisons. For 1992, 16 positions, 6 workyears and \$136,857,000 are requested to expand detention capacity by 1,250 beds: 8 positions, 3 workyears and \$81,950,000 to construct a 750 bed Philadelphia Detention Center; and 8 positions, 3 workyears, and \$54,900,000 to construct a 500 bed Houston Detention Center.

As illustrated in the graph below, these 1992 construction resources are critical for the continuation of the Federal Prison System's goal to both keep pace with projected population increases and simultaneously reduce the level of overcrowding to 32 percent by 1995.

Comparison Of Projected Inmate Population With Capacity Expansion Plan



Activity/Program:	1991 Availability			1992 Base			1992 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	Per. Pos.	NY Amount	Per. Pos.	NY Amount	Perm. Pos.	NY Amount	Per. Pos.	NY Amount	Per. Pos.	NY Amount
Modernization and Repair of Existing Facilities.....	125	119	843,629	110	104	843,029	155	150	8126,424	46	46	843,395
Long Range Goal: To protect capital investment in facilities. To provide safe, efficient, and adequately sized and equipped facilities for the operation of correctional programs within the Federal Prison System institutions.												

Major Objectives:

Repair and renovate facilities as required.

Make all facilities energy efficient in accordance with the Department of Energy Life Cycle Costing method.

Major Objectives:

Repair and renovate facilities as required.

Make all facilities energy efficient in accordance with the Department of Energy Life Cycle Costing Method.

Identify and remove any hazardous waste that may exist on Federal Prison System property.

Comply with all requirements of the Joint Commission on Accreditation of Hospitals.

Comply with all requirements of the National Fire Protection Association (NFPA), 101 Life Safety Code pertaining to penal facilities.

Bring applicable utilities into compliance with National Electrical Code and American Waterworks Standards and ensure safety and security of facilities.

Modernize antiquated Federal prisons.

Base Program Description: This program provides the resources to undertake essential rehabilitation, renovation or replacement projects at existing institutions to ensure that structures, utilities systems, and other plant facilities are kept in a good state of repair. Prison maintenance, modernization and repair of our existing institutions is essential, particularly since we present our facilities as 30 year old. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair.

Work is identified by two specific categories of projects: major line item requirements (projects valued over \$500,000) for which funds are specifically requested by project; and repair and improvement (RII) requirements (projects valued at \$4,000 to \$500,000). RII projects address immediate needs resulting from routine repairs, emergencies, correctional program changes, etc., and are considered the base requirements for this program.

Accomplishments and Workload: Accomplishments of the program Modernization and Repair of Existing Facilities are presented in the following table:

Item	Estimates		
	1988	1989	1990
New projects established.....	300	365	502
Projects completed and closed.....	200	189	210
Projects active.....	563	739	1,031

It should be emphasized that the normal useful life of buildings without major repair and renovation is 30 years. Fifty percent of FFS facilities are over 30 years old. Moreover, prison facilities are subjected to heavier than normal use especially during periods of high overcrowding.

Program Changes: In 1992, FFS is requesting 16 positions, 16 workyears, and \$83,395,000 in five broad areas to accomplish general improvement projects, to modernize antiquated facilities, to continue life safety and hazardous waste removal projects; and to accomplish utility improvements. The following is a brief description of the projects proposed:

1. General Improvements: The request includes 12 positions, 12 workyears and \$26,815,000 to maintain investment in plants through an adequate program of major renovations and improvements:

	Pos.	WT	Amount
Terminal Island FCI-Renovate Housing Units.....	1	1	92,750
Sandstone FCI-Renab Food Services.....	1	1	1,500
El Reno FCI-Replace Housing Ph II of III.....	2	2	10,000
Wendover FCI-Replace Food Services Ph II of III.....	1	1	1,200
Leavenworth FCI-Construct Support Buildings.....	2	2	3,100
Petersburg FCI-Institution Renovation.....	2	2	1,850
Buher FCI-Replace/Repair Roof.....	1	1	780
Segoville FCI-Replace Housing Units Ph I of III.....	2	2	5,636
Total General Improvements.....	12	12	26,816

2. Life Safety Improvements: In order to bring institutions into compliance with the National Fire Protection Association's Life Safety Code, the request includes 7 positions, 7 workyears and \$7,370,000 to fund safety improvements at eight institutions:

	Pos.	WT	Amount
Petersburg FCI-Install Sprinklers-Housing Unit.....	1	1	8925
San Diego MCC-Life Safety.....	1	1	1,020
Marion USP-Life Safety.....	1	1	700
El Reno FCI-Install Sprinklers Ph II of III.....	0	0	550
Memphis FCI-Install Sprinkler System.....	1	1	750
Terre Haute USP-Install Sprinkler System.....	1	1	1,200
Terminal Island FCI-Life Safety.....	1	1	1,700
Key Brook FCI-Install Unit Sprinklers.....	1	1	2,325
Total Life Safety.....	7	7	7,370

3. Hazardous Waste Removal: Asbestos material has been discovered during routine renovation work at many institutions. Once discovered, all work must be halted until the asbestos can be removed or encapsulated. Additionally, EPA regulations require the removal of PCB transformers. The request includes 7 positions, 7 workyears and \$13,645,000 to remove hazardous material from 15 sites:

	Pos.	WT	Amount
Danbury FCI-Asbestos Abatement.....	1	1	8450
El Reno FCI-Asbestos Abatement.....	0	0	750
Terminal Island FCI-Asbestos Abatement.....	0	0	500
Ashland FCI-Asbestos Abatement.....	1	1	945
Leavenworth USP-Asbestos Abatement.....	1	1	900
Tallahassee FCI-Asbestos Abatement.....	0	0	1,000
Segoville FCI-Asbestos Abatement.....	0	0	650
Alderson FCI-Asbestos Abatement.....	1	1	1,800
Leavenworth USP-Remove PCB Transformer.....	1	1	2,000
Petersburg FCI-Asbestos Abatement.....	1	1	800
Fort Worth FCI-Asbestos Abatement.....	0	0	650
Lexington FCI-Asbestos Abatement.....	1	1	1,000
Terarkana FCI-Asbestos Abatement.....	0	0	650
Le Tuna-Asbestos Abatement.....	0	0	650
Big Spring FCI-Asbestos Abatement.....	0	0	200
Total Hazardous Waste.....	7	7	13,645

4. <u>Institution Modernization:</u> The major useful life of buildings without major renovation or repair is 30 years. Resources are requested to continue the renovation of USP Atlanta (68 years old), USP Lewisburg (58 years old) and FCI Danbury (50 years old). The request includes 6 positions, 6 workyears and \$9,971,000 for renovation of these three antiquated facilities:				
	Pos.	WT	Amount	(\$000's)
Atlanta USP-Continue Renovation.....	1	1	\$1,071	
Lewisburg USP-Continue Renovation.....	1	1	1,500	
Danbury FCI-Continue Renovation.....	4	4	7,400	
Total Institution Modernization.....	6	6	9,971	
5. <u>Utility Improvements:</u> Utilities at many institutions are extremely overburdened by inmate population levels exceeding the institutions' rated capacities. Electrical systems and water and sewer utilities are in particular need of upgrades or replacement due to overcrowding levels. The request includes 14 positions, 14 workyears and \$25,595,000 to expand utilities at 13 facilities:				
	Pos.	WT	Amount	(\$000's)
Lompoc USP-Rehab Electrical System.....	1	1	\$475	
Leavenworth USP-Rehab Electrical System.....	2	2	4,500	
Ashland FCI-Construct Power Plant and Install Electrical.....	2	2	5,300	
Alderson FCI-Replace Electrical Systems.....	1	1	1,925	
La Tuna FCI-Upgrade Water Distribution System.....	1	1	1,400	
Loretto FFC-Construct New Sewage Treatment Plant.....	1	1	1,200	
Leavenworth USP-Rehab Water/Sewer Main.....	1	1	3,000	
Ashland FCI-Repair Sewage System.....	1	1	745	
Petersburg FCI-Replace Sewer Line.....	1	1	575	
El Reno FCI-Upgrade Utilities.....	1	1	750	
Butner FCI-Install Centrifugal Chillers.....	1	1	575	
Otisville FCI-Expand Sewage Treatment Plant.....	0	0	575	
Allenwood FFC-Expand Sewage Treatment Plant.....	1	1	4,400	
Total Utility Improvements.....	14	14	25,595	

Federal Prison System
Buildings and Facilities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	New Construction			Modernization and Repair of Existing Facilities			Total	
	Pos.	Oblig.	Budget Auth. 1/	Pos.	Oblig.	Budget Auth. 1/	Pos.	Oblig.
GS-12	5	187		16	597		21	784
GS-11	18	560		30	933		48	1,493
GS-05	5	85					5	85
Total positions and annual rate Lapse (-)	28	832		46	1,530		74	2,362
	16	480					16	480
Total workyears and personnel compensation	12	352	1,664	46	1,530	3,060	58	1,882
Personnel benefits		70	333		306	612		376
Travel and Transportation of persons		140	800					140
Transportation of things		50	140					50
Rental payment to others		20	70					20
Comm, utilities and misc		30	95					30
Printing and reproduction		45	80		2	2		47
Other services		124,423	265,058		79,720	79,720		204,143
Supplies and materials		150	340		1	1		151
Equipment		100	270					100
Total workyears and obligations, and budget authority	12	125,380	268,850 2/	46	81,559	83,395	58	206,939
								352,245 2/

1/ Budget authority for personnel compensation and benefits are for the life of the project

2/ Excludes \$46 million expected to be transferred from the Special Forfeiture Fund

**Federal Prison System
Buildings and Facilities**

**Status of Construction and Summary of New Facilities Requirements
(Dollars in thousands)**

Total Capacity	Funds Status		Total Funding	Total Current Cost Estimate or Actual	Status Oct. 90, to Date	January 1990	Estimated Activation Date
	New Construction Fiscal Year	Amount					
New facilities:							
Manchester FCI (700).....	1987	\$45,000	\$71,100	\$71,800	\$68,732	15% Complete	1993
	1990	26,100					
Minersville (Schuylkill) FCI (700)...	1987	5,000	56,500	54,125	53,125	87% Complete	6/91
	1988	46,500					
	1989	5,000					
Guantanamo FOC (750).....	1988	30,000	50,200	50,200	43,531	14% Complete	4/92
	1990	20,200					
Allenwood FCC (2,415).....	1989	6,100	210,000	210,000	54,378	Low Security (1,000) - Construction Underway Medium Security (850) - Out for Bid High Security (500) - In Design Other (65) - Out for Bid	4/92 1993 1993 1993
	1990	114,700					
	1991	89,200					
Florence FCC (2,100).....	1989	6,500	196,000	196,000	20,109	Minimum Security (250) - Construction Underway Medium Security (850) - Construction Underway High Security (500) - In Design High Security (500) - In Design	10/92 10/92 1993 1993
	1991	132,421					
	1991	57,079					
Estill FCI (1,000).....	1989	49,700	54,000	54,000	4,921	Site Work Underway	7/92
	1989	4,300					
Cumberland, MO FCI (1,000).....	1989	3,100	65,000	65,000	4,151	Site Work Underway	1993
	1990	58,100					
	1990	3,800					
Brooklyn, NY MOC (1,250).....	1989	52,000	114,500	114,500	975	Interim Facility - In Design Permanent MOC - Site Acquisition	11/91 1994
	1990	25,000					
	1991	37,500					

Status of Construction and Summary of New Facilities Requirements (Cont)
(Dollars in thousands)

Total Capacity	Fund Status		Total Current Cost Estimate or Actual	Status - January 1990	Estimated Activation Date
	Fiscal Year	Amount			
New Facilities (Cont)					
Miami DOC (1,000).....	1989 1990	\$5,000 85,000	\$90,000	\$15,062 In Design	1993
Greenville, IL FCI (1,100).....	1990	68,000	68,000	11 In Design	1993
Pekin, IL FCI (1,100).....	1990	63,000	63,000	442 In Design	1993
Beckley, WV FCI (1,100).....	1990	80,000	80,000	50 A/E Site Selection/EIS	1995
Taft, CA FCI (1,100).....	1990	74,200	74,200	238 A/E Negotiations	1994
Butner Complex (1,500).....	1990 1991	159,000 8,700	167,700	35 Medical (500) - A/E Negotiations Female (850) - A/E Negotiations Other (200) - A/E Negotiations	1994 1994 1994
Ohio Complex (2,600).....	1990 1990 1991	59,500 115,000 30,500	205,000	103 Minimum (250) - Site Search Low (1,000) - Site Search Medium (850) - Site Search High (500) - Site Search	1994 1994 1995 1995
Texas Complex (2,600).....	1990	193,000	193,000	52 Minimum (250) - Site Investigations Low (1,000) - Site Investigations Medium (850) - Site Investigations High (500) - Site Investigations	1994 1994 1994 1994
Washington, DC Detention Ctr (1,000)	1990	89,900	89,900	32 A/E Negotiations	1994
Seattle FDC/ECC (600).....	1990	63,800	63,800	39 Site Investigations	1994
Orlando FCC (2,600).....	1990	170,000	170,000	218 Minimum (250) - Site Investigations Low (1,000) - Site Investigations Medium (850) - Site Investigations High (500) - Site Investigations	1993 1994 1994 1994
Oklahoma City Detention Ctr (1,000).	1990	10,000	10,000	10,000 Lease Program	1993

Status of Construction and Summary of New Facilities Requirements (Cont'd)
(Dollars in thousands)

Total Capacity	Fund Status		Total Current Cost Estimate or Actual	Status as of January 1990		Estimated Activation Date
	Fiscal Year	Amount		To Date	Stage of Programs	
Expansion of existing facilities:						
Fort Worth Detention Unit (50).....	1988	\$5,000	\$6,000	\$5,790	Contract Awarded 7/90	1993
Tallahassee Detention Unit (150)....	1988 1990	5,200 5,000	10,000	134	Contract Just Awarded	1993
Louisburg Camp Unit (100).....	1989	5,200	5,200	5,198	Construction Underway	3/92
Burner Satellite Camp (150).....	1989	5,300	5,300	5,194	57% Complete	6/91
Fairton Wt Sec (60).....	1989	6,000	6,000	1,663	Design Phase Complete	9/92
Seymour Johnson (300).....	1989 1990	7,500 3,450	10,950	10,950	92% Complete	10/91
Louisburg Seg Unit.....	1990	9,700	9,700	8,997	In Design	1995
Atlanta Moldover Unit (150).....	1990	10,000	10,000	100	Design Phase Complete	1993
Milan Detention Unit (150).....	1990	10,800	10,800	927	In Design	1993
Atlanta Detention Unit (150).....	1990	9,100	9,100	12	Design Phase Complete	1993
Oakdale II Expansion (328).....	1990	16,000	16,000	11,369	33% Complete	6/92
El Paso Camp Expansion (150).....	1991	6,000	6,000	1,000	Renovation Underway	6/92
Ft. Worth Long Term Care Unit (85)...	1991	10,500	10,500	0	In Design	1993
Big Spring Satellite Camp (150).....	1991	4,500	4,500	650	In Design	6/92
Terre Haute, IN Seg Unit (100).....	1991	6,100	6,100	0	In Design	6/92
Sheridan, OR Det Unit (150).....	1991	10,800	10,800	0	In Design	1993
Leavenworth, KS Det Unit (150).....	1991	10,300	10,300	0	On Hold	
Memphis, TN Det Unit (150).....	1991	9,700	9,700	0	In Design	6/92

Status of Construction and Summary of New Facilities Requirements (Cont)
(Dollars in thousands)

Total Capacity	Fund Status			Total Current Cost Estimate or Actual	Status - January 1990 Oblig. to Date	Stage of Program	Estimated Activation Date
	New Construction						
	Fiscal Year	Amount	Total Funding				
<u>Expansion of existing facilities: (Cont)</u>							
El Reno, OK Housing Unit (240).....	1991	\$9,800	\$9,800	\$9,800	90	In Design	1993
Seagoville, TX Det Unit (150).....	1991	9,800	9,800	9,800	0	In Design	6/92
Bryan, TX Housing Unit (480).....	1990	5,000	18,600	18,600	2,331	10% Complete	6/92
	1991	13,600					
Tyndall, FL Camp Expansion (75).....	1991	1,500	1,500	1,500	0	In Design	6/92
Candler, LA (200).....	1990	2,000	2,000	2,000	0	Activation Underway	6/91
Mellie, FL (177).....	1990	1,000	1,000	1,000	424	Activation 40% Complete	6/91

Federal Prison System
Buildings and Facilities
Detail of Permanent Positions by Category
Fiscal Years 1990 - 1992

Category	1990 Authorized	1991 Authorized	Adjustments to Base	1992 Program Increases	Total
General Admin. Clerical and office Services (300-399)	34	35	(9)	3	23
Accounting and Budget (500-599)	23	24	(5)	3	22
Engineering and Architecture group (800-899)	188	189	(59)	58	188
Business and Industry Group (1100-1199)	76	78	(12)	5	71
Ungraded (mechanical and construction)	55	52	(7)	5	50
Total	376	378	(92)	74	360
Washington U.S. Field	35 341	37 341	(92)	2 72	39 321
Total	376	378	(92)	74	360

Federal Prison System
Buildings and Facilities
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
1991 as enacted.....	378	365	\$374,358
Adjustments to base:			
Mandatory Increases:			
One Additional Compensable Day.....	0	0	73
1991 Pay Annualization.....	0	0	470
1992 Pay Raise.....	0	0	566
Annualization of 1991 Increases.....	0	5	213
Health Benefits.....	0	0	42
Federal Employees Retirement System (FERS).....	0	0	139
Federal Insurance Contribution Act (FICA).....	0	0	10
Travel Mileage.....	0	0	71
GPO and Department Printing.....	0	0	6
Total, Mandatory Increases.....	0	5	1,590
Decreases (automatic, non-policy):			
Positions and Workyears Associated With Closed Projects.....	(92)	(87)	0
Projects Funded in 1991.....	0	0	(316,600)
1992 Base.....	286	283	59,348
Program Changes:			
Sentenced Offender Capacity:			
Federal Correctional Complex (2,350 beds).....	12	6	178,000

•

Summary of Change, Cont'd
(Dollars in thousands)

	Perm. Pos.	Work - Years	Amount
Detention Capacity:			
Philadelphia Detention Center (750 beds)	8	3	81,950
Houston Detention Center (500 beds)	8	3	54,900
Subtotal, Detention Capacity, (1,250 - beds)	16	6	136,850 1/
Total Capacity Increases (3,600 beds)	28	12	314,850
Modernization and repair:			
General Improvements:			
Terminal Island FCI - Renovate Housing Units	1	1	2,750
Sandstone FCI - Rehab Food Services	1	1	1,500
El Reno FCI - Replace Housing Ph II of III	2	2	10,000
Texasiana FCI - Expand Food Service Ph II of II	1	1	1,200
Lompoc FCI - Construct Support Buildings	2	2	3,100
Petersburg FCI - Institution Renovation	2	2	1,850
Butner FCI - Replace/Repair Roof	1	1	780
Seagoville FCI - Replace Housing Units Ph I of III	2	2	5,634
Total General Improvements	12	12	26,814
Institution Modernization:			
Atlanta USP - Continue Renovation	1	1	1,071
Lewisburg USP - Major Renovation	1	1	1,500
Danbury FCI - Major Renovation	4	4	7,400
Total Institution Modernization	6	6	9,971

1/ Includes \$46 million expected to be transferred from the Special Foreclosure Fund.

Summary of Change, Cont d
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
Utility Improvements:			
Lompoc USP - Rehab Electrical System.....	1	1	675
Leavenworth USP - Rehab Electrical System	2	2	4,500
Ashland FCI - Construct Power Plant and Install Electrical Equipment	2	2	5,300
Alderson FCI - Replace Electrical Systems.....	1	1	1,925
La Tuna FCI - Upgrade Water Distribution System.....	1	1	1,400
Loretto FPC - Construct New Sewage Treatment Plant.....	1	1	1,200
Leavenworth USP - Rehab Water/Sewer Main.....	1	1	3,000
Ashland FCI - Repair Sewage System.....	1	1	745
Petersburg FCI - Replace Sewer Line.....	1	1	575
El Reno FCI - Upgrade Utilities.....	1	1	750
Butner FCI - Install Centrifugal Chillers.....	0	0	575
Olivia FCI - Expand Sewage Treatment Plant	1	1	4,400
Allenwood FPC - Expand Sewage Treatment Plant.....	1	1	550
Total Utility Improvements	14	14	25,595
Hazardous Waste:			
Danbury FCI - Asbestos Abatement	1	1	850
El Reno FCI - Asbestos Abatement	0	0	750
Terminal Island FCI - Asbestos Abatement	0	0	500
Ashland FCI - Asbestos Abatement.....	1	1	945
Leavenworth USP - Asbestos Abatement.....	0	0	900
Tallahassee FCI - Asbestos Abatement.....	0	0	1,000
Seagoville FCI - Asbestos Abatement.....	0	0	650
Alderson FCI - Asbestos Abatement	1	1	1,800
Leavenworth USP - Remove PCB Transformer.....	1	1	2,000
Petersburg FCI - Asbestos Abatement.....	1	1	800
Fort Worth FCI - Asbestos Abatement.....	0	0	650
Lexington FCI - Asbestos Abatement.....	1	1	1,000
TexasKana FCI - Asbestos Abatement.....	0	0	650
La Tuna - Asbestos Abatement.....	0	0	650
Big Spring FCI - Asbestos Abatement.....	0	0	500
Total Hazardous Waste	7	7	13,645

Summary of Change, Cont'd
(Dollars in thousands)

	Perm. Pos.	Work - Years	Amount
Life Safety:			
Petersburg FCI—Install Sprinklers—Housing Unit.....	1	1	925
San Diego MCC—Life Safety.....	1	1	1,020
Marion USP—Life Safety.....	1	1	700
El Reno FCI—Install Sprinklers Ph I of III.....	0	0	550
Memphis FCI—Install Sprinkler System.....	1	1	750
Terre Haute USP—Install Sprinkler System.....	1	1	1,200
Terminal Island FCI—Life Safety.....	1	1	1,700
Ray Brook FCI—Install Unit Sprinklers.....	1	1	525
Total Life Safety.....	7	7	7,370
Total, Program Increases.....	74	53	398,245
1992 Estimate.....	360	341	457,593
Less Forfeiture Fund Financing.....	0	0	(46,000)
1992 Budget Authority.....	360	341	411,593

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Federal Prison System
Buildings and Facilities
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- Y8818	Amount
Mandatory Increases:			
1. One Addition: Compensable Day The annual salary rate for Federal employees is based on 260 paid days. 1992 has one more compensable day (262) than 1991 (261). This request includes appropriate personnel benefits based on the increase in compensable days, law enforcement and non-law enforcement rates. The request includes \$55,000 for pay and \$16,000 for benefits.	\$75
2. 1991 Pay Annualization This pay annualization represents first quarter amounts (October through December) of the 1991 4.1 percent pay increase effective in January of 1991 plus appropriate personnel benefits (\$355,000 pay and \$117,000 benefits).	470
3. 1992 Pay Raise This request provides for the proposed 4.2 percent pay raise to be effective in January of 1992. The amount requested, \$566,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$426,000 pay and \$140,000 benefits = \$566,000).	566
4. Annualization of 1991 Positions This request provides for the annualization of 5 additional workyears that will allow for required supervision of ongoing construction projects requested in 1991.	...	5	213
5. Health Benefits The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective for the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased from 40 percent to 45 percent. Through the implementation of the Federal Employees Health Insurance Plan, the Department is able to offset the increased costs for actual increased costs from pay period 1 to pay period 2, projected for a full year.	42
6. Federal Employees Retirement System (FERS) This request provides for the additional costs in 1992 necessary to continue the implementation of the Federal Employees Retirement System Act of 1986, P.L. 99-335. This act established a retirement program for Federal civilian employees and Postal workers hired after December 31, 1983 who are covered by Social Security and for employees under the Civil Service Retirement System who elected to transfer to this system. This increased requirement of \$139,000 for 1992 is based on actual agency payments in 1990 for the basic FERS annuity, Social Security and Thrift Savings Plan.	139

Justification of Adjustments to Base (Cont.)

	Perm. Pos.	Work- Years	Amount
7. <u>Federal Insurance Contributions Act</u>.....	...	...	10
Beginning this first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated increased to \$51,300. In addition, the rate increased to 7.65 percent. Medicare rates remained at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. This increase of \$10,000 is computed on these rate changes.			
8. <u>Travel: Mileage</u>.....	...	...	71
The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$71,000 for this change in allowance.			
9. <u>Government Printing Office (GPO) and Department Printing</u>.....	...	...	6
The GPO is currently projecting a 10 percent increase over the 1991 printing costs. An additional \$4,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.			
Total mandatory increases.....	...	5	1,590
<u>Decreases (Automatic Non-Policy)</u> :			
1. Non-recurring costs - Projects funded in 1991.....	...	...	-316,600
2. Positions and workyears associated with closed projects.....	-22	-87	...
Total decreases.....	-92	-87	-316,600
Total, adjustments to base.....	-92	-84	-315,010

**Federal Prison System
Buildings and Facilities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)**

Grades and salary ranges	1990 Actuals		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS/GM - 14 \$52,406 - 68,129	2		2		2		0	
GS/GM - 13 \$44,346 - 57,650	28		28		27		(1)	
GS - 12 \$37,284 - 48,481	61		62		61		(1)	
GS - 11 \$31,116 - 40,449	157		158		144		(14)	
GS - 10 \$28,322 - 36,816	4		4		4		0	
GS - 09 \$25,717 - 33,430	28		28		25		(3)	
GS - 08 \$18,973 - 22,067	36		36		35		(1)	
GS - 04 \$15,171 - 19,725	3		3		3		0	
Ungraded positions	59		59		59		0	
1992 pay increase						533		533
Total Appropriated positions	376	13,510	378	14,132	360	13,864	(16)	(266)
Pay above stated annual rates	0	0	0	42	0	97	0	55
Lapses	(232)	(8,324)	(13)	(208)	(19)	(568)	(6)	(360)
Savings due to lower pay scales part of year	0	0	0	(357)	0	(246)	0	107
Net full-time permanent	144	5,186	365	13,613	341	13,147	(24)	(466)
Average GS/GM Salary		\$35,211		\$35,721		\$37,013		
Average GS/GM Grade		11.6		11.5		11.5		
Average salary of ungraded position		\$32,350		\$33,676		\$35,090		

Summary of Requirements by Grade and Object Class (Con't)
(Dollars in thousands)

Object Class	1990 Actuals		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Personnel compensation:								
11.1 Full-time permanent	144	5,186	365	13,613	341	13,147 *	(24)	(466)
11.3 Other than full-time permanent		139						
11.5 Other personnel compensation	5	368	5	365	5	350	0	(15)
Total personnel compensation	149	5,693	370	13,978	346	13,497	(24)	(481)
12 Personnel benefits		1,436		3,194		3,024 *		(170)
21 Travel and transportation of persons		566		3,592		1,477		(2,115)
22 Transportation of things		141		690		284		(406)
23.1 Rental payments to GSA		49		0		0		0
23.2 Rental payments to others		99		651		268		(343)
23.3 Communications, utilities and misc charges		726		2,126		875		(1,253)
24 Printing and reproduction		4		97		40		(36)
25 Other services		325,311		1,234,993		544,365 *		(690,626)
26 Supplies and materials		16,210		43,106		17,723		(25,381)
27 Equipment		1,732		4,783		1,468		(2,617)
28 Land and Structure		9,140		328		135		(1,194)
29 Insurance claims and indemnities		1,402						
43 Interest and dividends		11						
Total direct obligations		362,744		1,307,543		563,638		(723,865)

* Adjustment required to amounts shown in appendix because workyears were underfunded

Summary of Requirements by Grade and Object Class (Cont.)
(Dollars in thousands)

Object Class	1990 Actuals		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Recovery of Prior Year Obligations		21						0
Unobligated Balance, start-of-year		(595,107)		(1,691,416)		(863,231)		818,185
Unobligated Balance, transferred				(115,000)				115,000
Unobligated Balance, end-of-year		1,681,416		863,231		737,166		(126,065)
Total Requirements		1,449,074		374,358		457,593		83,235
Relation of obligations to outlays								
Obligations incurred, net		362,744		1,307,543		543,656		
Obligated balance, start-of-year		143,721		322,331		1,392,511		
Obligated balance, end-of-year		(322,331)		(1,392,511)		(1,130,055)		
Adjustments in unexpired accounts		21						
Outlays		184,155		237,363		846,116		

Department of Justice
Federal Prison System
Federal Prison Industries
Estimates for Fiscal Year 1992

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Federal Prison System
Federal Prison Industries, Incorporated

Summary Statement

Fiscal Year 1992

For Federal Prison Industries, Incorporated, the 1992 request is for a total of 1,574 permanent positions and 1,521 workyears. This represents an increase of 92 positions and 54 workyears over the 1991 enacted level.

Federal Prison Industries, Incorporated, was created by Congress in 1934 and is a wholly owned Government corporation. The Corporation is authorized to operate industries in Federal penal and correctional institutions and disciplinary barracks (18 U.S.C. 4121-4129). The Director of the Federal Prison System who has jurisdiction over all Federal penal and correctional institutions is the Chief Executive Officer. Profits from the Corporation's industrial activities are used to finance growth and modernization, compensate inmates performing work details in institutional support functions and former inmates for injuries they received while in Federal prisons. Of critical concern in the current operating environment is the Corporation's ability to retain its mandatory source status in the market place. Legislation that would have eliminated the FPI mandatory source status in Department of Defense procurement, approximately 50 to 60 percent of FPI sales, was proposed in 1989 and defeated. The issue was reinitiated in the 1991 appropriations process and is expected to be on the Congressional agenda again this year. Without mandatory source status, FPI would be unable to maintain sales, which would ultimately reduce retained earnings, thus creating additional financial instability. The Bureau of Prisons would be left with no choice but to request appropriated funds for alternate programs to occupy the inmates' time.

Administrative Expenses - A board of six directors, appointed by the President and serving without compensation, reviews and approves the policies of the Corporation, long range corporate plans, establishment of new industries, and Bylaws and capital investments in excess of \$500,000. The Board also prepares annual reports to Congress on the conduct of the business of the Corporation and the condition of its funds. General management of the Corporation is vested in a Chief Operating Officer and carried out by a staff of 32 Corporate Management employees located in Washington, D.C. Expenses of this function are subject to Congressional limitation.

Industrial Manufacturing Program - An average of 13,581 inmates in 80 factories at 45 locations were employed in 1990. Inmate employment is expected to reach an average of 14,826 by 1992, reflecting the Bureau of Prisons' projected population growth. Inmates manufacture such items as furniture, clothing, electronic cable assemblies, metal and textile products. They also work in service industries such as furniture refinishing, data processing, and laundries. All products and services of the Corporation are sold to Federal agencies. The Department of Defense, U.S. Postal Service, Department of Veterans Affairs, and the General Services Administration are the largest customers. In 1992, a program increase of 92 positions and 39 workyears is requested to provide supervision and training for an additional 744 inmate employees resulting from the anticipated population increase and the objective of employing these inmates in the most efficient and productive manner possible. This will be accomplished through the expansion/modernization of existing factories and the construction of new factories and warehouses. In addition, the requested resources will enable the Corporation to enlarge and enhance marketing, product development, production/quality control functions, and complete an automated management control system designed to provide necessary internal controls.

Federal Prison System

Federal Prison Industries, Incorporated

Justification of Proposed Changes to the Appropriation Language

The 1992 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Federal Prison Industries, Incorporated

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.
(18 U.S.C. 4121-4129; Department of Justice Appropriations Act, 1991.)

Limitation on Administrative Expenses
Federal Prison Industries, Incorporated

Not to exceed \$3,167,000 of the funds of the corporation shall be available for its administrative expenses, for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1966, and such amounts shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.
(Department of Justice Appropriations Act, 1991.)

\$3,297,000

Explanation of Changes:

No substantive changes proposed.

Federal Prison System
Federal Prison Industries, Incorporated
Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Federal Prison Industries, Inc.	1991 Estimated Obligations			1992 Base			1992 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amt	Perm. Pos.	NY	Amt	Perm. Pos.	NY	Amt	Pos.	NY	Amt
Administrative expenses.....	32	32	\$3,167	32	32	\$3,167	32	32	\$3,297	...	...	130
Industrial Operations:												
Cost of production.....	1,450	1,435	285,974	1,450	1,450	289,007	1,542	1,489	301,591	92	39	12,584
Other expenses.....	...	...	64,558	...	...	65,568	...	...	65,568	...	...	...
Buildings and improvements.....	...	...	16,000	...	...	16,000	...	...	14,200	...	...	(1,800)
Machinery and equipment.....	...	...	11,600	...	...	11,600	...	...	13,950	...	...	2,350
Total.....	1,482	1,467	381,299	1,482	1,482	385,342	1,574	1,521	398,606	92	39	13,264

Long Range Goal: Employ inmates; provide inmate opportunities for on-the-job training and apprenticeship programs to develop entry level skills and enable inmates to acquire on-the-job knowledge and proficiency, as well as discipline in the work ethic.

Major Objectives:

Operate industrial factories which are labor intensive and cost effective for the optimum employment of inmates.

Provide productive employment for 25 percent of the total prison population at institutions with industry programs.

Provide on-the-job training to an average 14,082 and 14,826 inmates in all industrial factories in 1991 and 1992, respectively.

Sell products and services to other federal agencies at a profit consistent with the goal of remaining financially self-supporting.

Provide pre-industrial training projects to enhance factory operations and provide increased training opportunities.

Continue product development and testing center in conjunction with market research for the feasibility of expanding existing or establishing new product lines.

Implement a customer service liaison office.

Implement a management control system which is fully automated and conforms with the needs of the Corporation to maintain control of all interdependent divisions and geographic locations.

Base Program Description: Federal Prison Industries, Inc., has been self-sustaining since its inception when Congress transferred \$3 million in capital assets to the Corporation for start-up costs. Since that time the Corporation has returned \$82 million in profits to the United States Treasury. Revenues are primarily derived from the sale of products and services to other Federal agencies. Operating expenses are applied against these revenues, resulting in operating income or loss. Due to the rapid expansion of the Bureau of Prisons, FPI requested and obtained borrowing authority from the United States Treasury to keep pace with the Bureau's expansion. The borrowed funds are used to increase factory capacity and therefore employ more inmates. As required by Congress, annual audits are completed by an independent public accounting firm. A report is then submitted to Congress certifying the financial integrity of the Corporation.

Federal Prison Industries addresses the problem of inmate idleness by providing a full-time work program for the Federal inmate population available for work. More than 50 percent of the inmates do not have marketable skills. FPI provides a program of constructive industrial work for the inmates to develop job skills and acquire good work habits.

Institution factories and shops are managed by civilian supervisors who train and oversee the work of inmates. Orders for goods and services are obtained through marketing and sales efforts by civilian staff. The largest customers are the Department of Defense, U.S. Postal Service, Department of Veterans Affairs and General Services Administration. Institution factories manufacture such items as furniture, clothing, electronics, metal and canvas products, and provide services such as data processing and furniture refinishing. Prices are usually established in negotiation with customer agencies at or near, but not exceeding, current market prices. A portion of the profits realized by these operations is reinvested to improve facilities, purchase new equipment, maintain state-of-the-art capability, and provide working capital.

To operate modern factories and shops and produce products that must meet Government specifications requires extensive inmate training because most of the inmates have had no previous training, experience or skills. Much of the needed training occurs on-the-job, with civilian supervisors and experienced inmates explaining and demonstrating the work to newly assigned inmates. Where skills require more formal training, classroom instruction is provided. Production Training Units, which combine classroom and on-the-job training, offer an effective method of skill development. Also in operation are registered programs of apprenticeship approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and local unions.

Accomplishments and Workload: Actual and estimated accomplishments for Federal Prison Industries are presented in the following table:

Item	Estimates	
	1991	1992
Average inmate employment.....	13,302	14,826
Sales.....	\$360,748,143	\$394,515,000
	\$343,726,334	\$402,733,000

Item	Estimates	
	1991	1992

Use of Corporate earnings:

Vocational Training.....	•	•
MSA (performance awards, pay).....	•	•
Accident Compensation.....	\$230,000	\$275,000
Increase in retained earnings.....	12,869,000	21,212,000
Number of shops/factories.....	80	82
		86

* Beginning in 1990, costs of vocational training & MSA (performance awards and pay) was paid for by the Salaries and Expenses appropriation of the Federal Prison System.

During 1990, an average of 13,581 inmates were employed at 45 institutions in 80 factories. Sales fell to \$343,726,334, reflecting FPI's struggle to retain sales in a tight market. While earnings also declined, the Corporation increased inmate employment consistent with its mission. The addition of a manufacturing management control system will allow even closer coordination and monitoring of all planning, management, manufacturing, and support functions within the Corporation, which will facilitate reduction in operating costs. This system was implemented in 1990 with a gradual phase-in continuing at all locations. A reconfiguration of divisional and organizational structures was also completed which allowed for a greater use of limited resources.

Staff training programs continued in all levels and functions of the Corporation as resources allowed.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Industrial Manufacturing Program.....	1,482	1,482	1,574	1,521	92	39
		\$385,342		\$398,606		\$13,264

An increase of 92 positions, 39 workyears and \$13,264,000 will enable Federal Prison Industries to employ an additional 744 inmates for an average of 14,826 inmates in 1992. These resources will enable FPI to staff factories and business offices in the new Federal Correctional Institutions scheduled for activation in 1992.

Federal Prison System
Federal Prison Industries, Incorporated
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1991 Estimates as Requested.....	1,482	1,467	\$425,759
Adjustment to reflect decrease in projected sales.....			(66,460)
1991 Current Estimate.....	1,482	1,467	381,299
Adjustments to Base:			
Mandatory Increases			
Additional compensatory day.....	...	...	270
1991 Pay Annualization.....	...	...	624
1992 Pay Raise.....	...	...	2,137
Annualization of 1991 Positions.....	...	...	542
Executive Level/SES Pay Increase.....	...	15	23
Special Pay Rates.....	...	...	3
Accident Compensation.....	...	...	36
Federal Employees Retirement System (FERS).....	...	...	284
Federal Insurance Contribution.....	...	...	131
Security Investigations.....	...	...	9
Total Increases.....	...	15	4,069
Decreases:			
Unemployment Compensation.....	...	...	(13)
Financial Operations Services.....	...	...	(13)
Total Decreases.....	...	...	(26)
1992 Base.....	1,482	1,482	385,342
Program Changes:			
Cost of Production.....	92	39	12,716
Buildings & Improvements.....	...	...	(1,800)
Machinery & Equipment.....	...	...	2,350
1992 Estimate	1,574	1,521	398,606

Mr. EARLY. The committee is pleased to welcome back the Director of the Federal Prison Systems, J. Michael Quinlan.

Mr. Quinlan, we will place your statement in the record and ask you to proceed with your statement. For the record, I do not know of one Federal agency that is better managed than the Federal Prison System under both you and under your predecessor. It is an agency that no one particularly likes; there is no constituency for it. It is tough. It has been very tough in this system. You have been very dollar conscious, to make sure the taxpayers get a fair shake. You are focused in on a problem that is just increasing with everything we do in the Congress as we show the public how tough we are by bringing more people into your prison facilities.

But I think you have been fair. And I am really happy to have you back.

Mr. Quinlan.

OPENING STATEMENT

Mr. QUINLAN. Thank you very much, Mr. Chairman and Mr. Regula, for this opportunity to present our 1992 budget request. If I could introduce again to you the Assistant Director of the Bureau of Prisons for Administration, Wade Houk, who is here to assist, if any questions come up, particularly regarding the construction or expansion program for the Bureau of Prisons.

If I could just briefly summarize, Mr. Chairman, my statement that we are—and thank you for submitting my personal statement into the record. First of all, I would like to thank you very much for your kind comments about the Bureau of Prisons and the staff of our agency who, I think, do an outstanding job on a daily basis, maintaining a very difficult prison population. Particularly over the last several years, as you know, we have operated under some very difficult circumstances, with some severely over-crowded facilities. So I deeply appreciate your comments.

The \$2.2 billion request that we make this year, Mr. Chairman, is based upon the fact that our population continues to grow. We are now at about 61,000 inmates. And we project that by 1995 we will be at 98,800 inmates. Our goal is to reduce the level of crowding from the current level of 158 percent of capacity down to 130 percent by 1995.

This budget would allow us to construct an additional 3,600 beds, at a cost of \$315 million—2,350 of those would be for sentenced Federal offenders; 1,250 would be for pre-trial or detention cases.

The initiative in the pre-trial detention area is a result of a joint planning effort that the Bureau has been working on with the United States Marshals Service and the Immigration and Naturalization Service. We are very proud of the fact that we have successfully integrated all of the plans for the agencies mentioned into one joint detention plan.

The budget also would allow us, Mr. Chairman, to activate 5,933 beds in fiscal year 1992, at the cost of \$120 million. This would require 1,995 positions. Included in this request would be the low-security facility at Allenwood, Pennsylvania, where we are constructing one of our complexes; the medium-security facility and camp in

Estill, South Carolina; the detention facility in Guaynabo, Puerto Rico; and the detention facility in Brooklyn, New York.

Just briefly, there are four new or expanded initiatives in this budget that I would like to call to your attention. The first one is drug treatment. As you know, our offender population is now 54 percent drug offenders, several of whom are substance abusers. We project by 1995 that almost 70 percent of our projected 98,800 inmates will be drug offenders. We recognize that many of these people need drug abuse treatment and the period of time while they are in a correctional facility is an excellent time to afford that sort of treatment.

Mr. EARLY. Would you read those projections for 1995 again? In connection with drugs, did you say 98,000?

Mr. QUINLAN. There will be 98,800 inmates, of which approximately 70 percent, Mr. Chairman, will be serving terms for drug offenses. A large portion of those will be people who have had substance abuse problems, and will be hopefully interested in taking advantage of the time in prison for treatment.

In response to this we are asking for a major initiative to expand the drug treatment program within the agency at a cost of \$12 million, and 100 positions, which would allow us to treat about 12,000 prisoners per year.

Also, another major initiative in this budget is the modernization of our aging institutions. In fact, half of our facilities are over 30 years old. We have a \$126 million request to help restore and maintain these facilities that are obviously greatly needed by the Bureau. Because of overcrowding, we have really paid dearly in terms of their update and repair.

This initiative would help us keep those facilities in good running order. I think it is really cost-effective for the Government to maintain these facilities.

The third initiative is in the area of medical treatment. We have some major cost enhancements that are caused by the fact that medical costs in this country are increasing rapidly, 10 to 15 percent on an annual basis. This budget would allow us to take care of the expensive AZT treatment for a growing number of prisoners who are infected with the HIV virus, and those who are infected with the full AIDS' disease.

This request would also allow us to add \$2 million to our contract medical budget, which has been growing very dramatically over the past several years, and to maintain the other medical services that we provide.

The final initiative is in the area of staff development. There are a couple of programs that we very much would like to pursue, so that we can maintain the same level of quality in our services that we have been doing in the past several years. By allowing our staff to maintain the expertise that they need, we can provide the quality services in our institutions.

The training initiatives would do a number of things. One, it would allow us to train some of the drug treatment specialists that we are bringing on board. It would allow us to provide continuing medical education. For the first time in memory, that I can recall, we would be able to provide medical training to keep our doctors and medical staff up to training levels that would be appropriate.

Other initiatives in the staff development area are also needed to allow us to meet the needs of the 1990's.

That is a very short summary, Mr. Chairman, of a very thorough statement, that expresses our strong needs for maintaining the continuing growth of our agency to meet the challenges that we face in the 1990's.

I would certainly be pleased to respond to any questions you, or any member of the committee may have at this point.

[The written statement follows:]

DEPARTMENT OF JUSTICE

STATEMENT OF THE DIRECTOR, FEDERAL BUREAU OF PRISONS
J. MICHAEL QUINLAN
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today to discuss the Federal Bureau of Prisons' 1992 budget request. As you will note, our 1992 estimate totals \$2,205,649,000 and 26,583 positions. This includes a planned transfer of \$46,000,000 from the Office of National Drug Control Policy Special Forfeiture Fund. The principal theme of the FY 1992 budget is the continued expansion of Federal prison capacity, which is essential to keep pace with the projected growth in the inmate population and, at the same time, reduce the critical level of overcrowding in the Federal Prison System. As President Bush has said, "If you do the crime, you'll do the time".

An important component in this year's update of our capacity expansion plan is the inclusion of the United States Marshals Service detention requirements. Identification of these requirements is the result of comprehensive joint planning efforts between the Bureau of Prisons, the United States Marshals Service and the Immigration and Naturalization Service.

In addition to capacity expansion, this budget also includes important requests for additional resources to activate new facilities; continue the implementation of the Bureau's inmate drug abuse initiative started in 1990; enhance inmate medical services; address critical staff development concerns resulting from the

expansion program; and provide for modernization and repair of existing Federal prisons, the majority of which are over 30 years old and have been subjected to heavier than normal use because of prison overcrowding.

INMATE POPULATION GROWTH/PROJECTIONS

Mr. Chairman, the number of Federal inmates in the direct custody of the Bureau of Prisons is about 60,800. The Federal inmate population has increased by about 5,700 inmates or over 10 percent during the past year, which is in-line with our projected rate of growth. This growth reflects the continued success of Federal law enforcement efforts, particularly those directed at drug trafficking. The number of Federal inmates incarcerated for drug offenses has been steadily rising. In 1980, 25 percent of the total Federal inmate population were drug offenders compared with approximately 54 percent today. We project that drug offenders will represent over two-thirds of the total Federal inmate population by 1995.

While it is impossible to predict future inmate population levels with precision, I believe we all are in agreement that the number of Federal inmates will continue to increase. In last year's budget we projected that the Federal inmate population would increase to 95,100 by FY 1995. We have updated our population projections to include increased assistance to the U.S. Marshals Service in housing Federal pre-trial detainees. As a result we are now projecting a Federal inmate population of 98,800 by 1995. Additionally, our long-range forecast projects the Federal inmate

population will continue to grow and reach about 125,500 by 1999.

PROGRESS IN REDUCING PRISON OVERCROWDING

The current population of about 60,800 inmates is housed in prison facilities that by contemporary correctional standards should confine about 38,600 inmates. Today, Federal prisons are overcrowded by a system-wide average of 58 percent with several individual Federal institutions overcrowded by more than 100 percent.

The major objective established for the Federal Bureau of Prisons is to continue to expand the capacity of the Federal Prison System to keep pace with projected increases in the inmate population and to simultaneously reduce prison overcrowding to 30 percent above rated capacity.

I want to assure you and the Members of this Committee that we will meet our mission in the most cost-effective manner possible. We continue to make maximum use of half-way houses, contract detention and other community options, and to expand capacity at existing institutions where possible. However, it is clear to me that public safety dictates that most of our expansion needs will require construction of new Federal prison facilities.

I'm proud to report, Mr. Chairman, that during the past year we have made substantial progress. Federal prison capacity increased by about 5,500 beds and overcrowding was reduced from a high of 69 percent above capacity to 58 percent.

Since last year, the Bureau of Prisons dedicated three new medium security Federal Correctional Institutions in: Fairton, New

Jersey in April 1990; Jesup, Georgia in July 1990; and Three Rivers, Texas in January 1991. In addition, we opened a Federal Deportation Center in Oakdale, Louisiana; two minimum security Federal Prison Camps on active military bases at Nellis Air Force Base in Nevada and Millington Naval Air Station in Tennessee; and entered into an agreement with the United States Public Health Service to acquire the use of a portion of the Gillis W. Long Hansen's Disease Center in Carville, Louisiana for inmates requiring long-term chronic care.

We also established an Intensive Confinement Center, which is a minimum security facility designed to house 192 adult male offenders, on the site of the former Federal Prison Camp at Lewisburg, Pennsylvania. This specialized facility provides a workable balance between a military boot camp and the traditional correctional standards of the Federal Bureau of Prisons. It is our contention that this highly structured, no frills environment will install self-control and discipline, thereby reducing the inmate's potential for future incarceration. We plan to thoroughly evaluate the program. Should it prove successful, we will look to open other such facilities in the future.

Finally, I want to report on the status of our pilot lease project. Mr. Chairman, we have recently come to an agreement to locate the pilot facility at the Will Rogers World Airport in Oklahoma City, Oklahoma. The Oklahoma City Airport Trust will finance, build and lease to us a 1,000 bed detention facility for housing Federal inmates being transported to Bureau of Prisons'

institutions. Oklahoma City was chosen because it is one of the major hubs of the National Prisoner Transportation Program jointly operated by the Bureau of Prisons and the U.S. Marshals Service. Inmates being transported to other institutions in the Federal Prison System have been held-over at the Federal Correctional Institution in El Reno, Oklahoma, which is about 30 miles west of Oklahoma City. With the completion of this Federal Transfer Center, inmates will be able to stay at the airport while awaiting transportation to their next destination.

STATUS OF NEW CONSTRUCTION

Funds currently appropriated for the construction of new prisons, the acquisition of surplus facilities for conversion to minimum security camps, and the expansion of existing institutions will add about 32,400 beds when completed.

Under construction are two Federal Correctional Complexes at Allenwood, Pennsylvania and Florence, Colorado. As you will recall, the concept of a Federal Correctional Complex was developed in 1990 and consists of several correctional facilities of different security levels constructed at one site.

Also under construction are four medium security Federal Correctional Institutions with camps (Minersville, Pennsylvania; Estill, South Carolina; Manchester, Kentucky; and Cumberland, Maryland) and a Federal Detention Center in Guaynabo, Puerto Rico.

Further, the Bureau of Prisons either has in design or is considering sites for four additional complexes (Butner, North Carolina, located at the site of our current Butner facility;

Beaumont, Texas; Orlando, Florida; and Ohio); four Federal Correctional Institutions with camps (Pekin and Greenville, Illinois; Taft, California; and Beckley, West Virginia); and four Metropolitan Detention Centers (Miami, Florida; Brooklyn, New York; Washington, D.C.; and Seattle, Washington).

Mr. Chairman, I must emphasize that while all funds previously provided are not formally obligated, commitments to construct at specific locations will require 100 percent obligation of existing resources.

If the FY 1995 population projection increases to 98,800, as expected, current capacity expansion funding approved through 1991 will reduce prison overcrowding to 39 percent by 1995. Continued support of the President's plan in 1992 would reduce overcrowding to approximately 30 percent by 1995.

PLANS FOR CAPACITY EXPANSION IN 1992

Our 1992 budget request of \$268,850,000 and a planned transfer of \$46,000,000 from the Office of National Drug Control Policy Special Forfeiture Fund totals \$314,850,000 and will fund the construction of 3,600 new prison beds.

As you know, Mr. Chairman, the primary mission of the Federal Bureau of Prisons is to carry out the judgements of the Federal courts for sentenced Federal offenders. Included in the total amount requested for capacity expansion is \$178,000,000 for a new Federal Correctional Complex for 2,350 sentenced Federal offenders.

In addition to our plans to construct new prisons for sentenced Federal offenders, the Bureau of Prisons continues to

assist the U.S. Marshals Service in housing pre-trial detainees. Over the past several years, the U.S. Marshals Service has experienced increased difficulty in renewing or renegotiating contracts with State and local jails due to overcrowding. Through joint planning efforts, the Bureau of Prisons, in conjunction with the U.S. Marshals Service and the Immigration and Naturalization Service, have developed a comprehensive Federal Detention Plan.

During the past decade, the Federal detainee population has exploded: the average daily detainee population has increased by 275 percent, from almost ~~4,000~~ in 1981 to almost 15,000 today. The Bureau of Prisons currently houses over 6,000 pre-trial detainees or 40 percent of the pre-trial detention population. By 1995, we expect the pre-trial detention population in Bureau facilities to more than double, resulting in over 50 percent of the total pre-trial detention population being housed in the Bureau of Prisons' facilities.

The U.S. Marshals Service first attempts to meet its detention responsibilities by contracting with local jails through the use of Intergovernmental Agreements and the Cooperative Agreement Program (CAP). Several geographic locations have been identified where it is anticipated that local contracts will be insufficient to meet pre-trial detention requirements. For these locations, the U.S. Marshals Service has requested that the Bureau of Prisons provide detention facilities through the construction of new Metropolitan Detention Centers and expansion or establishment of detention units at existing Federal prisons.

The Bureau of Prisons has incorporated all detention requirements identified by the United States Marshals Service in its long range Capacity Expansion Plan. Included in the total amount requested in 1992 for capacity expansion is \$136,850,000, including \$46,000,000 from the Special Forfeiture Fund, for additional capacity for 1,250 Federal pre-trial detainees. This request provides for two Detention Centers: one 750 bed facility in Philadelphia, Pennsylvania and a 500 bed facility near Houston, Texas.

MODERNIZATION AND REPAIR

Mr. Chairman, over fifty percent of our prison facilities are over 30 years old, which is the normal expected useful life of buildings without major repair and renovation. As you can imagine, prison facilities are subjected to heavier than normal use. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair. For 1992, \$126,424,000 is requested for the modernization and repair of existing Federal prison facilities.

SALARIES AND EXPENSES

In addition to the new construction funds required to continue our expansion program, the FY 1992 request also includes important resources to activate new institutions. Specifically, \$114,748,000 and 1,995 positions are required to open the low security facility at the Federal Correctional Complex at Allenwood, Pennsylvania; the new medium security Federal Correctional Institution and camp at

Estill, South Carolina; two Federal Detention Centers at Guaynabo, Puerto Rico and Brooklyn, New York and several expansion projects at existing prisons. In total, these projects will bring 5,933 prison beds "on-line" during FY 1992. Also, \$5,400,000 is requested to purchase equipment for a Federal Correctional Complex in Florence, Colorado to be activated in 1993.

I also would like to call your attention to our request for authority to carryover funding not obligated in 1992 for the activation of new facilities into 1993. This will give us flexibility should projects scheduled for completion at the end of 1992 be delayed until 1993.

We are also requesting \$42,655,000 to support a projected increase of 9,140 in the inmate population in 1992 from 62,450 to 71,590.

STAFFING EXISTING INSTITUTIONS

The Congress approved an additional 4,000 positions in 1991 to improve staffing in critically understaffed programs for which workload has increased in direct proportion to increases in inmate population. I would like to take this opportunity to thank you, Mr. Chairman, and the Members of this Committee for your support in this area. There is no question in my mind that continuing to operate the Federal Prison System without the approved personnel increases would have placed too severe demands on too few staff. The activation of new facilities should alleviate the need for further staffing increases at existing institutions in 1992.

DRUG ABUSE TREATMENT

As I noted earlier, approximately 54 percent of the inmate population is incarcerated for drug offenses and the number of offenders with serious drug abuse histories is just as prevalent. The recent anti-drug abuse statutes assure that these numbers will continue to grow and that offenders will be incarcerated for significantly longer periods of time. In response to the rapid growth in the Federal inmate population with drug abuse histories, we have developed a comprehensive drug abuse treatment strategy, now consisting of five components: Drug Abuse Education, Drug Abuse Counseling Services, a Comprehensive Residential Program, a Pilot Research Program and Transitional Services.

The Drug Abuse Education Program can also be described as being of "low-intensity" and is the minimum level of drug abuse programming available to Federal inmates. It involves a non-residential, information-oriented approach and is considered "mandatory" for all inmates with a substance abuse history related to their offenses. By the end of 1991, the Bureau plans to have drug abuse education programs in place in all of its institutions.

The Drug Abuse Counseling Services consist of both group and individual therapy delivered from a centralized psychological services location within the institution. These services offer flexibility in service delivery to those who are unwilling or unable to enroll in a residential treatment program. These are also supporting services offered to those who have completed the residential program, yet have time remaining to serve, prior to

release to the community in a transitional services program.

The Comprehensive Residential Program, also known as the "moderate-intensity" program, was designed for inmate volunteers with a moderate to severe level of drug abuse, who have completed a drug abuse education program and are ideally within the last 15 to 24 months of their sentence. It is living unit-based and involves intensive assessment and extensive individual and group counseling and assessments over a 9-month period. At the end of 1990, there were five comprehensive residential programs providing approximately 500 treatment beds at the following Federal prison locations: Fairton, New Jersey; Oxford, Wisconsin; Rochester, Minnesota; Sheridan, Oregon; and Seagoville, Texas. Additionally, by the end of 1991, the Bureau plans to include comprehensive residential programs in up to one third of Bureau institutions providing approximately 2,000 treatment beds.

The Pilot Research Program is a "high-intensity" program based on state of the art knowledge of effective treatment approaches. It is similar to the comprehensive residential program described above, but involves a more intense level of treatment (1,000 hours) over a longer period of time (12 months). At the end of 1990, there were three research programs in the Bureau at the following locations: Tallahassee, Florida; Butner, North Carolina; and Lexington, Kentucky. The three research programs provide approximately 300 treatment beds.

The Transitional Services component of the drug abuse program typically consists of six months in a Community Corrections Center

with specialized aftercare treatment followed by six months of aftercare in which community services are coordinated by the Bureau in cooperation with the Administrative Office of the United States Courts. The first six to twelve months following release from incarceration is the most critical time frame in an inmate's adjustment back into society. As a result, all inmates completing a comprehensive residential or a pilot research program are required to participate in aftercare services upon release.

In 1992, the Bureau is requesting 100 positions and \$11,948,000 to continue the implementation of the drug abuse treatment initiative, which began in 1990. This request includes 100 positions and \$5,262,000 to expand the comprehensive residential program to about 50 percent of all Federal institutions, providing approximately 3,500 treatment beds, and \$6,686,000 to provide transitional services to up to 1,000 inmates.

INMATE MEDICAL CARE

Because the Federal inmate population is aging and prisoners with serious substance abuse histories (who normally neglect their health) now make up one-half of total population, inmate medical care will continue to be a growing concern. The Bureau of Prisons is utilizing all of its existing health care capacity, approximately 1,600 beds. This includes our major medical referral centers located at Springfield, Missouri and Rochester, Minnesota and our four regional medical centers located at Butner, North Carolina; Lexington, Kentucky; Terminal Island, California; and Fort Worth, Texas.

As I noted earlier, the Bureau of Prisons has entered into an agreement with the United States Public Health Service to acquire the use of space at the Gillis W. Long Hansen's Disease Center located in Carville, Louisiana. Through this interagency agreement, we will acquire approximately 200 beds for long-term chronic care. Depending on the ability of the U.S. Public Health Service to continue its planned phase down of the Hansen's Disease Center, we plan to obtain an additional 150 beds in 1993. Also, with available resources, we plan to build a 500 bed medical center as part of a correctional complex on the site of our Butner, North Carolina facility.

Nevertheless, the demand for medical care will continue to exceed available capacity. Medical, surgical and rehabilitative services not available in the Bureau of Prisons' medical facilities must be provided through contract arrangements in the community. As a consequence, we are faced, Mr. Chairman, with the same escalation in medical costs that the general population faces. The Medical Consumer Price Index indicates an inflation rate which exceeds budgeted cost escalation allowances. This budget includes an additional \$2,000,000 for previously unbudgeted cost escalation.

Further, \$6,142,000 is included for the cost of AZT for approximately 1,167 inmates to receive Stage IV HIV treatment as well as HIV Asymptomatic treatment and \$752,000 is requested to operate and equip a ten-station kidney dialysis unit at our facility in Terminal Island, California.

EMPLOYEE DEVELOPMENT

As discussed earlier, the Federal Bureau of Prisons is in the midst of the largest expansion in its history. As a result, the current staffing level of approximately 17,000 employees is expected to double within the next five years. This anticipated growth in Bureau employees will result in a need to provide training to nearly 15,000 employees. While it is anticipated that the majority of the Bureau's introductory training needs will continue to be met at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, we will require an additional \$2,428,000 in 1992 to keep pace with employee development needs. These resources will allow us to evaluate training needs; train and certify Drug Abuse Treatment Specialists; and provide medical continuing professional development.

FEDERAL PRISON INDUSTRIES

The next item I would like to discuss, Mr. Chairman, which merits emphasis is Federal Prison Industries, Inc. (FPI). As you know, FPI is not only a wholly-owned Government corporation, manufacturing and selling a variety of products to Federal agencies, it is also a correctional program vitally important to the effective management and operation of our prisons. The ability to keep increasing numbers of inmates employed and productive has been a critical factor in our ability to successfully manage prison overcrowding. In this context, it is essential that the Corporation retain its mandatory source status. Without its mandatory source status, FPI would be unable to maintain the

required level of sales to support the ever increasing inmate employment requirements. Inmate idleness would increase, creating the potential for inmate unrest and violence, posing a threat to staff and the community. The Bureau of Prisons would have no choice but to request appropriated funds for alternative programs to occupy inmates' time constructively.

NATIONAL INSTITUTE OF CORRECTIONS

Finally, Mr. Chairman, I want to note that the National Institute of Corrections continues its role as an important force for improvements in State and local correctional agencies through its training and technical assistance services. The Institute's National Academy of Corrections has trained thousands of correctional officers and administrators from all over the nation. The Institute has retained its effectiveness partly because it has remained small and is able to respond directly and promptly to State and local needs.

For 1992, we are requesting \$10,221,000 and 53 positions for the Institute. In addition, \$3,000,000 in reimbursements are expected from the Office of Justice Programs to provide technical assistance and training to State and local correctional agencies.

This concludes my prepared statement Mr. Chairman and I would be pleased to answer any questions you or your colleagues may have.

SALARIES AND EXPENSES

Mr. EARLY. Your salaries and expense appropriations increase by \$380 million—almost 30 percent in 1992. Half of this increase, \$188 million is necessary just to maintain the present base you have in fiscal year 1991, while the other half—\$197 million—is almost totally associated with the activation of new prisons and an increase in the number of prisoners.

How much of this \$1.7 billion request can you realistically exercise control over?

Mr. QUINLAN. 100 percent of it, I think, Mr. Chairman.

We have demonstrated through our prior performance that we can maintain tight control over our expenditures in the salary and expense area. We have a good staff which maintains fund control, and we also have good audit and program review staff who maintain a close watch on our management of these programs to ensure that we are complying with the intent of the Congress when the funds are provided.

[The information follows:]

THE BUREAU OF PRISONS [BOP] CONTROL OVER ITS BUDGET

Once resources are awarded, BOP maintains tight control over 100 percent of its expenditures. However, one should note that, BOP, unlike most criminal justices agencies, does not have much discretion in controlling its workload. This is because BOP must accept all inmates sentenced to confinement by the courts. Therefore, to a degree, BOP can not control the magnitude of their request since they are on the "receiving" end of the criminal justice system.

RATED CAPACITY

Mr. EARLY. No one handled the situation better than what your Department did during the Atlanta prison riot. You addressed it. You moved the prisoners. There was compassion, and there was security, which really speaks well for your agency.

Could you tell us the total number of available beds in the Federal Prison System in 1991?

Mr. QUINLAN. The rated capacity?

Mr. EARLY. I want the over-crowding rate, too.

Mr. QUINLAN. We have 61,000 prisoners. We expect, by the end of the year, to have about 62,500 prisoners. We have a rated or design capacity of almost 39,000 cells, and our crowding rate is—as of today—158 percent of capacity.

We expect that this rate will continue at that level until 1992, when the new resources that we are asking to activate new facilities become available.

Mr. EARLY. How many additional beds will be available in 1992, and how will that affect the over-crowding?

Mr. QUINLAN. In 1992 we will activate a total of almost 6,000 beds—5,933 to be exact—and that is broken down not only in new institutions that we will activate in those four locations I mentioned in my summary, but also in a number of other housing units and additions to existing facilities that will become available.

Mr. EARLY. When you are saying beds, 6,000 new beds and cells, are we talking about a 1:1 ratio?

Mr. QUINLAN. We are talking—no sir, actually, in the Allenwood facility that we are going to be opening, we are talking about all of those beds being double-bunk, two-men per 90 square feet.

Mr. EARLY. I have been in most of your facilities, and you house many prisoners in 50-bed rooms. Could you tell us exactly where we are, so the Committee will know that of these 61,000, what is the average per cell—is it a 1:1 or 2:1?

Mr. QUINLAN. Well, for the most part, Mr. Chairman, the Bureau of Prisons built most of its facilities prior to 1990 as one-person rooms or cells, and open dormitories. Starting in about 1988, we started restructuring our thinking on how many people we should put in a room, despite the fact that the American Correctional Association standard is one person per room. This is still the standard today—although I have been working to try to change it. We have decided to make two-thirds of our rooms in medium security facilities into two-man rooms; and 100 percent of our rooms in our minimum security facilities two-man cubicles. That is how we are going to proceed.

In actuality, today, in the Bureau of Prisons, we can probably count in terms of hundreds, maybe a few hundred rooms that still exist in our entire agency that are single-cell or single-man or single-woman rooms.

VARYING LEVELS OF OVERCROWDING

Mr. EARLY. Is that not unique, though? Is it not in the maximum security prisons where you have the real tough experienced inmate? Do we not almost have to have a 1:1 ratio?

Mr. QUINLAN. We absolutely should. We recognize that and the fact is, in our Marion penitentiary, our most secure institution, they are one person to a room.

Mr. EARLY. When the committee asked you for averages and rates, it is really misleading. We are not talking a half-way house or minimum security facility. I do not believe the notion which the public likes to think that you have any country clubs in your present system. I have never seen anyone that asked to go back to a Federal prison.

Mr. QUINLAN. Nobody has ever signed up. And if anybody ever volunteers, I will be shocked.

Mr. EARLY. Can you give us a number, Mr. Quinlan, just for the additional beds projected by you in future years, as a result of your 1992 prison construction? Can you just tell the committee how many you think you will have, additional, in 1993 and 1994?

Mr. QUINLAN. Let me see if I can do that, Mr. Chairman.

Mr. EARLY. You can provide it for the record.

[The information follows:]

ADDITIONAL BEDSPACES AS A RESULT OF PLANNED CAPACITY EXPANSION OF FISCAL YEAR 1992-94

The following table depicts the number and year of additional beds by fiscal year that the Bureau of Prisons (BOP) anticipates activating as a result of prison construction requests for FY's 1992-1994, assuming that the current population projections are accurate and that BOP does not need to increase its planned level of assistance to the U.S. Marshals Service in the housing of pre-trial detainees:

	Activation Year		
	1995	1996	1997
FY 1992 Plan	3,600		
FY 1993 Plan		2,600	
FY 1994 Plan			1,600

AIDS

Mr. EARLY. I am going to stay within my 10 minutes, because we do not have the whole membership here.

One final thing—with regard to your medical services, you request an additional \$6,142,000 for AIDS treatment. How many AIDS patients are you currently treating? How many AIDS inmates do you have now?

Mr. QUINLAN. Mr. Chairman, as of today, we have 154 people with Stage IV, end-stage AIDS. That is the worst possible stage, obviously, of the disease.

In addition to those with Stage IV AIDS, we have an additional 608 inmates who have been identified as HIV infected, and many of those are in the category where their white blood cells are so limited, that they have to be given the AZT medication to maintain or sustain their livelihood to avoid disease.

Mr. EARLY. Do you have a projection for 1992?

Mr. QUINLAN. Our projection, Mr. Chairman, is that those numbers will increase up to a total of almost 1,200 HIV infected inmates.

PRISON HOSPITAL

Mr. EARLY. Would we not be better off to come up with alternatives to get you another prison hospital. Would this be a cheaper way? The inmates might not like it, but too bad.

Mr. QUINLAN. I appreciate that suggestion, Mr. Chairman. Actually, we are looking in the out-years to request an additional prison hospital. We do see the need. What has happened, as a result of limited capacity in our hospitals, is that we have to do a lot more contracting out for medical services than we would like in some institutions. So, I do agree with you, that from a cost-effectiveness, and quality of care standpoint, we would be better off in the long-run, with an additional prison hospital. We will be working with the Department and OMB to present those types of requests when they are appropriate.

Mr. EARLY. My 10-minutes are up. So I am going to yield to the ranking member, Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Director, we are glad to have you with us, and we are pleased to have you here to talk about matters of incarceration. [Laughter.]

Mr. EARLY. That is an in-house joke for someone from Kentucky who cannot pronounce the word.

Mr. ALEXANDER. We are all trying to teach this gentleman from Massachusetts how to talk. [Laughter.]

Mr. EARLY. How about if I say in-jail? [Laughter.]

SALARIES AND EXPENSES

Mr. ROGERS. Well, Mr. Director, I think we need to bring some serious issues--your appropriation, of course, has really exploded since the early 1980's, \$344 million in salaries, \$1.7 billion for next year.

Mr. QUINLAN. Yes, sir.

Mr. ROGERS. As you bring on-line a lot of new facilities over the next few years, what is going to happen to the budget in the out-year projections? What level are we going to have to sustain, say, in 1993, 1994, 1995, do you figure?

Mr. QUINLAN. I would have to defer again to submit that information for the record, unless Wade can respond to that.

Mr. HOUK. In current dollars, Mr. Chairman, as we look toward 1995, we estimate that our Salaries and Expenses budget would be as high as \$3 billion, and that is in the 1995, 1996 time frame, after we have activated all of the approximately 32,000 beds funded by the Congress, which are in various states of construction.

Mr. ROGERS. So it is roughly double what next year's figure would be?

Mr. QUINLAN. That is right.

Well, in 1995, at \$3 billion, it would be more than a billion over what we are requesting in 1992.

OKLAHOMA CITY LEASE

Mr. ROGERS. Now your testimony mentions the leasing arrangement under way in Oklahoma City using the authority that we provided a couple of years ago. Will the construction time and the time until activation be any less than it is under the normal approach?

Mr. QUINLAN. We certainly hope it will. That is one of the big sales points for privatization. Whether the private sector can go through a procurement process that is much quicker than the U.S. Government's procurement process remains to be seen. We are estimating that that facility will be operational in early 1993.

However, I do not believe they can build it any quicker than we can, but they can possibly get to the point of awarding a contract faster than we can. But it has not yet been demonstrated.

Mr. ROGERS. We are all watching that as well as you are to see how it works because it may be an option for the future to save costs and time. We may want to pursue it with you further depending on how it turns out.

I know in Kentucky, in my district, there is a new State prison facility that was privately constructed in no time flat. I mean, it was up and running before you could blink an eye. It is a very nice facility and apparently well-run. In fact, it is being run by a private concern accepting State prisoners by contract.

In the past you projected the time to complete and activate a facility at 3 years, beginning with completion of the environmental impact statement. Does that still hold up?

Mr. QUINLAN. Actually, Mr. Rogers, in anticipation of a satisfactory conclusion to the environmental impact statement we many times go ahead with some tentative drawings. We hope to actually award a contract within 90 days after the environmental impact

statement is complete and finish construction within 2 years of that date.

It is a little bit probably more like 2.25 years after the completion of the environmental impact statement rather than 3 years.

INTENSIVE CONFINEMENT

Mr. ROGERS. Can you expand on the intensive confinement facility you mentioned in your statement? What is the status of those being assigned there? What is the number of days served?

Mr. QUINLAN. The intensive confinement center was open in December 1990 at the former Lewisburg, Pennsylvania farm camp. The former facility was a minimum custody facility for prisoners who worked outside of the wall of the penitentiary in Lewisburg.

The intensive confinement center has a capacity of 192 prisoners and it currently has about 65 prisoners. It is primarily taking prisoners directly from court with sentences of 30 months or less.

So long as the court authorizes us to place the offender in this type of a program, they then would serve 6 months in the center. It is like a boot camp. Afterwards, the inmates spend one-half of the remaining time in a community corrections center and the other half of their remaining time in home detention.

We put prisoners in the facility who are 35 years of age or younger; serving their first offense, if the offense was for a nonviolent crime, with no weapons used during the commission of the crime, and that they are in good medical and physical health.

We have been very, very pleased with the results of the first 90 days of operation. It far exceeded my expectations quite honestly, as to what could be accomplished with prisoners during that short period of time. What we have found is that the morale of the staff and the inmates is probably better than ever recorded in recent memory among prisoners and staff in the program.

The results, of course, are yet to be determined as to the far reaching effects of the program. But certainly the results thus far are very promising in terms of the enthusiasm of the inmates for the programs that are offered, including drug treatment and the literacy training programs.

They are putting up with the rigorous program, the 16-hour days, 6 days a week, with no television, other than the 15 minutes a day of prime time news headlines at 9:00 at night. That is all they get. When the sports come on, the TV goes off.

They are drilling. And it is working well.

PRISONERS ELIGIBLE FOR LEWISBURG CAMP EXPERIMENT

Mr. ROGERS. Now, what type of prisoners go in here?

Mr. QUINLAN. One of the problems we had in the Federal system in terms of the concept of the boot camp, Mr. Rogers, was the fact that we do not have an awful lot of young offenders, similar to those that state programs have been putting into their boot camps. As a result, we did not really think we would be able to use military drills. We did not think it would work with people 30 to 35 years of age.

But the program has been successful with these first-time offenders, many of whom are serving minor drug offenses that the court

agrees can go into this kind of a program. We give them a quick dose of incarceration, including some training and drilling, followed by some very tight supervision in the community for up to another 24 months.

The court feels that that is an appropriate sanction and hopefully will deter others from committing the same crime.

Mr. ROGERS. Are these all nonviolent criminals?

Mr. QUINLAN. They are all nonviolent, yes, sir.

Mr. ROGERS. And you have been in operation 90 days?

Mr. QUINLAN. Yes, sir.

Mr. ROGERS. So far, so good?

Mr. QUINLAN. So far, so good. I just today received a letter from a Federal judge who had visited the facility. He praised the facility. The biggest thing we now face is making sure that all Federal judges are aware of the program. We have written to all the chief judges and asked them to share the information about the program.

We have got to keep spreading the word. We have a capacity of 192 and we would like to see the facility fully up to capacity very quickly.

Mr. ROGERS. How many do you have there now?

Mr. QUINLAN. 65.

Mr. ROGERS. And have they stayed in 6 months?

Mr. QUINLAN. Yes, sir.

Mr. ROGERS. Then what?

Mr. QUINLAN. Then they go to a Community Corrections Center, which is a very restricted environment in a community, for example, in downtown Washington or New York.

Although the prisoner can go out to work during that period of time, the rest of their time must be spent in the community corrections facility, where they have structured treatment programs, structured education programs, and structured counseling. If the family were to visit, they have to visit in the facility.

Then after one-half of the remaining time, whatever it is—as an example, if an offender got a 30-month sentence, that means that with 6 months in the intensive confinement center, they are going to have 24 months left. One-half of it, 12 months, will be spent in the Community Corrections Center. The final 12 months will be spent in home detention.

In some of the cases we will use electronic monitoring to ensure that the prisoner stays within the confines of his or her residence. In other cases, depending on the trustworthiness of the inmate, it will be just monitoring with phone calls or stopping in and checking to be sure the prisoner is where he is supposed to be.

CONTINUITY OF INTENSIVE CONFINEMENT PROGRAM

Mr. ROGERS. Now, I assume you will turn over the population every 6 months. In other words, you will have a class that graduates and a brand new class which enters.

Mr. QUINLAN. Actually, Mr. Rogers, it is a continuous process in that you do not have to come in on day 1, you can come in on day 15 and still do 6 months. It is broken up. It is individualized. So

there is not a set group that goes through every component together. They go in through two different aspects of it at different times.

Mr. ROGERS. Did I hear you say that they gain literacy training?

Mr. QUINLAN. Absolutely.

Mr. ROGERS. What else?

Mr. QUINLAN. Literacy, drug training, and work are the basic components. In addition, we provide a great deal of wellness or physical well-being instruction and also teach the prisoners what we believe are the mainstream social values of our culture, such as teaching people the differences between good and bad or right and wrong, delayed gratification, doing things for the common good. Those kinds of social values, are taught in the program.

EXPANSION OF INTENSIVE CONFINEMENT PROGRAM

Mr. ROGERS. Suppose after 6 months or a year or whatever you find, the program is working very well, do you have plans to expand it?

Mr. QUINLAN. Yes. It is a pilot program. I was quite impressed. I visited the program about a month ago and, as I mentioned earlier, a little bit skeptical of the value of this kind of program in the Federal system because we have such an older population.

Our average prisoner is 37-years old. Many of these prisoners are serving their fourth felony conviction. These are not prime candidates for these kinds of intensive boot camp-type of programs.

But the reaction was so positive from the staff toward the first two months of the program that I asked a couple of staff members if they thought the program could be expanded. They said absolutely, yes.

They said they would broaden it in terms of the qualifications of the inmates who would be allowed to be in the program, again limiting it so that nonviolent people would be the only candidates. They suggested maybe increasing the age of prisoners admitted to the program and maybe even increasing the length of time in the program, to ensure that they get the full value what we can offer in this kind of a program. Six months is a pretty short period of time in the scheme of things.

If we were to expand it, we could take prisoners with sentences up to 40 months and make them stay in the program 12 months or 15 months, and then go to the community, which might be another alternative.

Mr. ROGERS. Well the proof will be in the pudding.

Mr. QUINLAN. Yes, sir. We are going to watch it closely.

Mr. ROGERS. You have to wait until you see them after prison life, how it affects their after prison behavior.

Mr. QUINLAN. One thing, if I could comment on that, sir, is we feel very strongly that one of the critical components of this program is going to be follow up in the community. This applies to drug treatment also.

We are going to ask our staff to work with the probation service to ensure that for that critical period of 6 to 12 months after release from an institution, that the prisoner is really closely tracked by our staff, to see if we can make a difference in the offenders adjustment during that period of time.

MANCHESTER, KENTUCKY

Mr. ROGERS. It sounds exciting.

Let me finally ask you this very quickly about the Manchester, Kentucky facility. I realize the budget does not show Manchester as an activation. Could you give me, though, a status report?

Mr. QUINLAN. Yes. The Manchester facility is coming along. We did encounter some site preparation delays and we are at this point on target for opening in early 1993. We will be asking in the fiscal year 1993 budget for activation funds and positions.

Mr. ROGERS. What is the approximate cost to activate that facility?

Mr. QUINLAN. The approximate cost to activate in terms of annual costs would be in the range of \$10 million to \$12 million.

Mr. ROGERS. And roughly, how far in advance will the hiring process begin?

Mr. QUINLAN. We will identify the warden to be assigned to the facility about 8 months prior to opening, and the hiring will begin about that time.

Mr. ROGERS. I had a chance to visit the site back in the summer, late summer. And it is, number one, a beautiful place, and two, it is a massive facility. It is eagerly awaited.

Mr. QUINLAN. Thank you.

PRISON LEASING

Mr. EARLY. Mr. Alexander?

Mr. ALEXANDER. Thank you.

Welcome, Mr. Quinlan. Mr. Quinlan, we appreciate the tough job you have. I have always taken the position that I want to accommodate your job in every way that I can, as a member of this committee.

I have not told myself that I am going to be an expert on corrections and have not had too much involvement in trying to address some of the problems that you face on a daily basis.

I have spoken to you in recent months about an interest that a local Chamber of Commerce has demonstrated in this leasing program. It is the Forrest City, Arkansas Chamber of Commerce.

I would like to revisit the point that you made on page 4 of your prepared testimony. You have undertaken the pilot lease project and that is underway in Oklahoma.

How long do you plan to study that plan or that project before you make a determination as to whether or not a lease purchase arrangement for construction of facilities is useful to you on an expanded basis?

Mr. QUINLAN. Well I do not think, Mr. Alexander, that we need to study it very long. After the facility is activated, I think that really what needs to be demonstrated to us and to the Office of Management and Budget is whether, in fact, the facility can be put on-line more quickly than it could have been put on-line as a result of direct construction by the Bureau. Also, we need to determine in terms of the lease portion of the costs incurred, whether a savings or a potential savings to the Government will result in the long run.

There are those who are very quick to point out in these leasing arrangements that they can do things in very short order and for very substantial reductions in cost. As we see the lease arrangement in the Oklahoma City airport coming along, we have not yet seen any substantial savings in time at this point. Furthermore there has been a little bit of delay in establishing the agreement between the Government and the airport authority.

Mr. ALEXANDER. Have you studied the Forrest City, Arkansas proposal with the time saving in mind?

Mr. QUINLAN. We have looked at the Forrest City proposal. From our perspective at this point, we do not feel leasing is an option.

This is primarily because we do not have the authority to lease beyond the Oklahoma City arrangement. We have felt, particularly in the southern part of the United States, that our construction costs are going to be less than they would be in the Northeast and in other parts of the country. Generally, we can build a facility pretty close to what it would cost the private sector to build a facility. The only savings that would result would be in the time of procurement, which we generally experience substantial delays on. But to be honest with you, we have not given it a great deal of study because we do not have the authority beyond the Oklahoma City lease authority.

REPORTS DUE TO CONGRESS

Mr. ALEXANDER. Was there not a directive in your current appropriations law from last fall which sets a time frame in place within which you are to report?

Mr. QUINLAN. We have our responsibility to get back to the Congress on the issue involving the siting of prisons in the Delta region, but there is no requirement to get back to the Congress on leasing.

Mr. ALEXANDER. Are they not the same project?

Mr. QUINLAN. No, absolutely not. There is a report due to Congress momentarily on the Delta region, in terms of the future prison sites, but there is no request on the part of the Congress to look at leasing in those areas.

Mr. ALEXANDER. Is the report imminent?

Mr. QUINLAN. The report is imminent and I believe should, within the next 2 weeks, be coming forward to the Congress.

Mr. ALEXANDER. When do you think you will be prepared to reach a conclusion on the prospect of the lease-purchase projects?

Mr. QUINLAN. I would say in terms of lease purchase that we would want to wait to see what the results in Oklahoma City are, so it would be early 1993. We would hope to be able to come back to the Congress in 1993, with something in a request for prisons possibly in the Delta region.

As you may already know, Congressman Alexander, Forrest City is being strongly considered for the site of a future Federal prison regardless of the lease purchase concept.

Mr. ALEXANDER. Well, I am not trying to promote one manner of acquisition over the other. I want it to be the best for the Government. There is a strong group of promoters that want to set up a lease purchase and so on, but the choice is yours. From a repre-

sentative point of view, I want to promote whatever the local interests happen to want in their community. I have reached the conclusion that the people in the Forrest City area would accept a Federal installation and that they would provide good support for it. I think that is the key to it. And that would be sustained. I mean you do not want to go in there and 5 years later have a problem on your hands.

Mr. QUINLAN. One of the things that we have determined over time is that the only opposition we generally run into is up front. Once we activate the Federal prison facility, 100 percent of the time, that community supports us. In fact, they resist our thought of ever closing down the site.

Mr. ALEXANDER. Well, I look forward to conferring with you further on the matter to find out anything more you might be willing to tell me on the subject.

Thank you, Mr. Chairman.

JOINT OPERATIONS WITH STATE AND LOCALS

Mr. EARLY. Mr. Regula.

Mr. REGULA. Thank you, Mr. Chairman. I have some questions that are parochial for the record on Ohio, but I will put those in the record.

I have just a couple of other questions. Do you have any joint efforts with State or local communities either through agreements or leases with State or local prison systems? Do you have any Federal joint operations?

Mr. QUINLAN. At this time, Mr. Regula, we do not have joint operations. We do a lot with State and local corrections and I will describe a couple of initiatives. One, we house a number of State prisoners within the Federal Prison System when a particular State is unable to find suitable housing either because of a lack of a maximum security prison or the need for separation of a particular prisoner from other prisoners.

Mr. REGULA. Is this per diem?

Mr. QUINLAN. It is on a per diem basis. All costs are reimbursed to the Federal Government. We also contract with local correctional entities. I think on an average daily basis we contract out about 2,700 Federal prisoners.

Mr. REGULA. Would it include villages or small communities?

Mr. QUINLAN. It would include counties. I do not think there are any villages, but it would include county facilities where the county has excess space for sentenced prisoners. We generally look in the contract arena for facilities that can hold short-term sentenced aliens, in which there is not a large need for programming of the offender in the Federal Prison System. In other words, there is not a need for vocational training and education and things of that nature, because there is a deportation order awaiting the offenders at the conclusion of the sentence. Those cases are ripe, in our view, for contracting out at the lowest possible cost to the Government. That is where we use State and local facilities.

Mr. REGULA. And so you have about 2,500 prisoners that are outside the Federal system?

Mr. QUINLAN. That is correct. In addition to that, Congressman, we have 3,600 who are in contract community correction centers. Those prisoners are at the end of their sentence, for the last 90 to 120 days. That is in addition, to Federal prisoners contracted out to State prisons or local jails so we have a total of about 6,300 Federal prisoners housed in contract facilities, over and above the 61,000 we have in our institutions.

RECIDIVISM RATES

Mr. REGULA. I am curious. Have you done any studies on recidivism in terms of the amount of contact with family or friends? In your experience, does that seem to affect your recidivism rate as to whether or not prisoners are isolated from their family?

Mr. QUINLAN. Well, I do not know of any research projects on that subject. But as someone who has spent 20 years in the Federal Bureau of Prisons, I have come to the conclusion that one of the major components to successful reintegration into the community is contact with family or friends. The bureau of prisons has also entered into a major initiative to increase the number of volunteers who come into our institutions on a regular basis to bring mainstream social values to the prisoner. This gives them hope that there is someone interested in them as an individual who hopefully will help them during that critical time when they are being integrated into the community, whether it is just a friendly hand, a job referral or something else. Those are the kinds of critical contacts that I think for the most part have been absent in many cases in our national prison experience and as a result probably more than anything else, have caused people to fail.

That critical period after release, for a 6 to 12 month period, is going to make the difference between success and failure. If people being released do not have that kind of a family contact or a strong ally, I think the chances of failure are greatly increased.

PRISONER EDUCATION AND TRAINING

Mr. REGULA. Along that line, do you have a program of providing prisoners with skills that will give them access to the job market when they leave the system?

Mr. QUINLAN. Absolutely. We have a combination of programs that do that. I guess one of our major programs is literacy training, obviously just to teach people to read and write. In 1991, just a few months ago, we increased our literacy floor—our mandatory literacy floor—from an eighth grade to twelfth grade level. An inmate must have a general equivalency diploma or else he will not get preferred job assignments or preferred housing assignments in the Bureau of Prisons.

Mr. REGULA. Within the system?

Mr. QUINLAN. Within the system. And he will not be given consideration for release programs at the conclusion of his sentence.

Mr. REGULA. So that is the carrot?

Mr. QUINLAN. That is the carrot to get them into these mandatory programs. Second, we have a whole host of occupational therapy and vocational training programs. But the major training device we have at our fingertips, or beck and call, is work programs. For

example, the Federal Prison Industry programs teach skills in terms of working on real jobs and help people who have very poor work habits when they come to prison. Many do not have the experience of finding a job, keeping a job, working for someone, taking orders, getting along with the coworkers, or showing up on time. Those skills alone, which are a part of our Federal Prisons Industry's Program, are worth their weight in gold when it comes time for release. And yes, they do learn a specific skill in the work training, but that is not as important as the habits that are picked up in the work assignment. So we do offer a wide variety of programs.

RECIDIVISM RATES

Mr. REGULA. What is your recidivism rate at the present time?

Mr. QUINLAN. Forty-five percent of Federal prisoners are arrested within 3 years. We would like it to be zero and we are doing everything we can, but obviously that is not realistic. We are doing everything we can with drug treatment and other kinds of programs to reduce that percentage. I would like to be able to come back here in 5 years and tell you it is 35 percent.

Mr. REGULA. Is it going down?

Mr. QUINLAN. Unfortunately these kinds of research projects are long term and I do not have an answer to that, sir. It is not like a yearly trend. I cannot tell you that. There is a research project that looked at prisoners who I think were released in 1986, and they do different cohorts every 3 or 5 years. We are looking at it and will try to get more recent data for you when available.

Mr. REGULA. I was on the Ohio Crime Commission and as I recall—this was some 25 years ago—the State system in Ohio was 75 percent recidivism.

Mr. QUINLAN. I know that a lot of the States—

Mr. REGULA. Forty-five percent is not bad.

Mr. QUINLAN. One of the things that we have, in a sense going for us over States, is that in many States you do not reach a burn-out factor as a criminal. It happens at about 40 or 45 years of age. You just get tired of committing crimes. It is the greatest rehabilitation feature we have. It does not cost us anything. But the States on an average have offenders who are much younger, and so they unfortunately do not have the nice rehabilitation tool available to them.

Mr. REGULA. Thank you, Mr. Chairman. I would ask unanimous consent to place the rest of my questions in the record.

Mr. EARLY. I thought the recidivism rate in the Federal prisons back 10 years ago was one-half that. I thought that until we had become drug oriented the recidivism rate on Federal prisons versus State prisons was one-tenth as much.

Mr. QUINLAN. I do not know of any research that had ever given us that much credit for what we had done in the past. I will check that for the record, Mr. Chairman, and give you some of our recidivism data back in the early—let us say, in the 1940s to 1950s when we had a lot of car thieves, derelict violations and some fairly insignificant offenses as compared to the kind of offenders we have today.

[The information follows:]

THE BUREAU OF PRISONS (BOP) RECIDIVISM RATES

The earliest recidivism data BOP has on file was from a 1943/1944 survey. This data indicated that 24 percent of the inmate population returned to prison within 5 years from release. Data available for 1956 indicated that 42 percent of the inmate population were returned to prison within three years of release. Recidivism rates today are measured in terms of the percentage of inmates who are rearrested within a three year period following release. The current rate within BOP is 45 percent rearrested within the three year period, indicating that recidivism rates today may be slightly better than they were in the 1950's.

POPULATION AND OVERCROWDING PROJECTIONS

Mr. EARLY. Yes, we can chat on that when I get my turn back.
Mr. Kolbe.

Mr. KOLBE. Thank you, Mr. Chairman, and Mr. Quinlan, welcome. I think you have roughly 60,800 or 61,000 inmates today and you are 59 percent over capacity. Your projection for 1995 is 98,000-99,000. But you would expect to bring on line during that time about 32,400 beds which would reduce your overcrowding to 30 percent. If my numbers are correct, you may indeed be reducing the percentage because of the growth, but you are still falling further behind. You are going to add another 38,000 prisoners in the next 5 years and bring on line 32,000. You are not quite keeping up in terms of raw numbers.

Mr. QUINLAN. We are not keeping up on a one-for-one basis, but when you consider that we are 159 percent of capacity, the way the numbers actually work out we will be bringing on line sufficient beds to reduce the rate to 132 percent of capacity.

Mr. KOLBE. I understand. You take a larger pie, and then it is as a percent. The percent is actually down, but---

Mr. QUINLAN. That is true.

Mr. KOLBE. It strikes me as a bit of a pyrrhic victory, does it not? Aside from the fact that we have the growth of the prison population, that is not exactly anybody's great success story.

Mr. QUINLAN. Well, I would say that from my perspective and it may be pyrrhic, but from my perspective as I look at this issue last year we were as high as 170 percent of capacity. We have institutions like our prison in Miami, Florida that are at 250 percent of their capacity. We do not think the reduction of our overcrowding down to 130 percent overall is a pyrrhic victory, because we are just delighted to relieve some of that stress on our staff and on our structures, because the kinds of people we are dealing with are always like a powder keg, waiting to go off with the right ingredients. If they get unsettled for whatever reason, they can go off on you.

So we think that 130 percent is a manageable number. It may not sound to you as though it is as far down in terms of a good prison operation as you would like, but we feel we can manage the numbers very effectively at that 130 percent level.

Mr. KOLBE. Even though they will still have 30,000 more inmates than your capacity?

Mr. QUINLAN. Yes, sir. Yes, sir.

SOUTHWEST PRISON OVERCROWDING

Mr. KOLBE. Well, as a percent I agree it gives you a little bit more flexibility, but I do not take great optimism in those figures. I wanted to ask you a couple questions about relating to the border as a whole rather than just to Arizona. You brought on facilities in the last year in New Jersey, and Georgia, and Three Rivers, Texas, and are bringing facilities soon in Allenwood, Pennsylvania; Florence, Colorado; and Minersville, Pennsylvania; Estill, South Carolina; Manchester, Kentucky; Cumberland, Maryland; and one in Puerto Rico. These are all additions or new facilities.

But I am struck when I look through your population report, at where the worst overcrowding is. The facilities that comes to mind here are in Tucson at 223 percent of capacity; Phoenix at 207 percent; Safford at 181 percent; El Paso, 235 percent; and La Luna, Texas, at 219 percent of capacity. It does not strike me as though we are building the prisons in the right place?

Mr. QUINLAN. Well, actually, I think we are for the most part building prisons in the right places. What you see in terms of the crowding in the institutions you mentioned is a lot of displaced prisoners from many other parts of the country, who are currently serving their sentences in the Southwest or southern part of the United States because of available bed space or capacity at those particular institutions.

If we look at the demographics—

Mr. KOLBE. Excuse me, let me interrupt. Why have we chosen to make the facilities in the Southwest the most overcrowded?

Mr. QUINLAN. That is an issue, Congressman, that is a mutual agreement made between the regional director and the warden in terms of overcrowding levels that he or she feels they can manage within the institution that they are given responsibility for. It is very difficult for us to say in Washington that a particular institution cannot handle a certain number or can handle a certain number. We leave it up to the warden and the regional director to determine the capacity of that facility.

And it depends a lot of times on whether the institution was designed in the period from 1975 to 1991, or whether it was designed prior to that time. From 1975 to 1991 we built facilities generally with rooms or cells which could be double-bunked more easily. New facilities can be double-bunked more easily than can some of the older facilities, which are dormitory in nature, or where the cells are much smaller.

The cells that we have been building for the last 15 years are generally about 75 to 80 square feet each. The rooms that we built or cells that we built in the 1930's, 1940's, and 1950's were generally 45 to 50 square feet. Other variables that we have to consider are the amount of work space in the institution and program space.

There are literally a dozen different criteria that we look at to try to come to a balanced view as to how many inmates an institution can hold.

WARDEN DECISION ON ACCEPTABLE NUMBER OF PRISONERS

Mr. KOLBE. Well, if I might. Your answer gets curiouser and curiouser as they say. Are you telling me that you have wardens that

really like the overcrowding and they say please send me more, I want more overcrowding in my facility?

Mr. QUINLAN. No, I do not have any wardens that like overcrowding. I have wardens who feel an obligation to help meet the needs of our agency to the extent they can.

Mr. KOLBE. Then are you saying that the wardens who say yes, we can accept these, that really the capacity on some of these, or the rated capacity, should be higher than it is? And maybe this is a fudge thing to get a little more money out of the Congress?

Mr. QUINLAN. No, it is absolutely not a fudge thing.

Mr. KOLBE. Well, really I am getting confused now. There is a pattern here, and I do not understand why this exists along the border, why those wardens really like to take the extra inmates there along the border. There is a very consistent pattern, clearly, by those in the Southwest and along the border, and in Florida, of overcrowding. I think it is clearly related to drugs. But that is not apparently what you seem to think it is. And I am just trying to find out why that is the case and why we are not building more facilities in those areas.

Mr. QUINLAN. Well, it is probably related to drugs. It is also related to the fact that a lot of the prisoners in those facilities are aliens. Congress gave us and the Immigration and Naturalization Service the authority to contract out for a 1,000-bed facility that would be privately run for the first time in the Bureau's history. We would contract out for the private operation of a facility. That facility will be coming on-line probably in 1993.

NEW 1,000-BED FACILITY IN SOUTHWEST

Mr. KOLBE. Where is that?

Mr. QUINLAN. The location has not been determined yet, but it would be in the Southwest part of the United States. We are not adverse at all to locating prisons in the Southwest.

Mr. KOLBE. What is the criteria you use for the selection of your sites?

Mr. QUINLAN. We look at the demographics, or our inmate population. We determine where the imbalances are in terms of travel distance. We maintain a distance log so that we know what the average number of miles a prisoner is from his or her home. And we try to keep that within 500 miles. Right now our male offenders are 520 miles and our females are about 570 miles from home.

Mr. KOLBE. Well, I was just recently at the facility in Safford. I have been at the one in the Tucson, but most recently at the one at Safford, and I know that over 50 percent of the inmates there are from California. I would imagine you have an enormous number of Federal prisoners from California, but I do not see anything being built in that area.

Mr. QUINLAN. Yes, there is a request in this year's budget for a correctional complex for 2,350 sentenced prisoners. We would hope to locate that facility in California.

Mr. KOLBE. Well, Mr. Chairman, my time is up, but I would just say that it seems to me that we are not matching up the inmate population, as I see it at least, with the construction that so far has gone on. And I will have some more questions for the record.

ACCOMMODATION DISTINCTIONS BETWEEN OLD AND NEW PRISONS

Mr. ROGERS. Would the gentleman yield?

Do I understand, Mr. Quinlan, that in response to a question from Mr. Kolbe that you said that the newer prisons built since 1975 can accommodate more than the older facilities?

Mr. QUINLAN. Well, that is true. It is also true that we do not crowd our maximum security facilities at the same level as we crowd our medium and low security facilities. The facilities that Congressman Kolbe mentioned are all low or medium security facilities. Our crowding in our medium security facilities nationwide is 185 percent.

Now the facilities that Congressman Kolbe mentioned are all in the 207 and 217 range. They are a little bit higher than the norm, but again, that is probably because of the disproportionate number of aliens and drug offenders in those institutions.

Mr. ROGERS. Could I conclude from your statement that the reason for the overcrowding that Mr. Kolbe is talking about in the Southwest could be attributed, to some degree at least, because those facilities are newer and are medium- to low-security?

Mr. QUINLAN. That is exactly right.

Mr. KOLBE. Well, if I might.

EASTERN FACILITIES HOUSE—HIGHER SECURITY PRISONERS

Mr. ROGERS. Can I conclude, too, then, that the prisons in the eastern part of the U.S. are older and house more higher-security prisoners?

Mr. QUINLAN. I think that that is a good conclusion. I can give you more information for the record of what the inmate demographics are. We have a breakdown, which I do not have with me, of our inmate population by State. You can see from the map that we are trying to maintain a balance between where our prisoners are coming from and where we are trying to locate our facilities.

I certainly recognize your interest and certainly want to try to build facilities where the prisoners are coming from. If we have missed something here, I certainly will try to rectify that as quickly as possible.

Mr. KOLBE. Well, again, if I might, just to reclaim my time. I do think there is very clearly a pattern as to where the highest overcrowding exists. And I think it is clearly as a result, as you say, of aliens. Florida is a classic example of that, and along the border. And it relates also to the drug issue. And I just wonder where we are matching our construction with our population correctly and what the projections on that might be.

One thing you said, and I would just like to follow up on, from the exchange between you and Mr. Rogers. It seems to me that it is not so much age, but the kind of facility you have. I would think you would have more flexibility in terms of how many more people you could put into a dormitory-style facility, as opposed to one with cells. Would that not be true?

Mr. QUINLAN. You do have more flexibility, but you lose control. Unfortunately, the control that you gain by having single cells, or single rooms, or double rooms is extremely important in a medium or high security facility and, to some extent, in a low security facil-

ity, particularly on the morning watch, from midnight to 8:00 a.m. when there are very few staff in an institution to maintain control.

And if something is to go wrong it is very hard to contain it when you have got 75 or 100 inmates in a room together with no way to separate them at that point.

Mr. KOLBE. I had a final question, if I might, on the subject of pretrial detainees. I think the Bureau of Prisons has about 6,000 of these currently out of a total of 15,000 Federal detainees. And you have got a request for \$136 million for new facilities, one in Houston and one in Philadelphia. Is that right?

Mr. QUINLAN. That is correct.

Mr. KOLBE. That will give you 1,250 beds for pretrial detainees.

Mr. QUINLAN. That is correct.

Mr. KOLBE. Your statement mentions that you have identified several locations where local contracting for pretrial detainees—where you have insufficient capacity. Could you identify those for us for the record? And you do not have to do it now.

Mr. QUINLAN. Yes. If I could state though, Congressman, that the actual detention responsibility is with the U.S. Marshals Service.

Mr. KOLBE. Right.

Mr. QUINLAN. We work with the U.S. Marshals to provide backup space when we need to.

Mr. KOLBE. Right.

Mr. QUINLAN. But we will provide that for the record.

[The information follows:]

LOCATIONS THE U.S. MARSHALS (USMS) HAVE IDENTIFIED TO THE BUREAU OF PRISONS (BOP) THAT HAVE INSUFFICIENT PRE-TRIAL DETENTION CAPACITY

The following areas have been identified by the USMS as having insufficient local contracts to meet pre-trial detention requirements. For these locations, the USMS has requested that BOP provide detention facilities through the construction of new Metropolitan Detention Centers and the expansion or establishment of detention units at existing Federal prisons. This list excludes additional bedspaces that the USMS anticipates acquiring through the Cooperative Agreement Program (CAP):

Funded through FY 1991:

Ft. Worth, TX
Tallahassee, FL
Guynabo, Puerto Rico
Danbury, CT
Miami, FL
Atlanta, GA
Leavenworth, KS
Memphis, TN
Seagoville, TX
Milan, MI
Brooklyn, NY Interim
Brooklyn, NY
Sheridan, OR
Butner, NC
Washington, DC
Seattle, WA

Construction Plan 1992-96:

Philadelphia, PA
Houston, TX
Middle Dist. of FL
Sacramento, CA
Cleveland, OH
St. Louis, MO
Minn /St. Paul, MN
Los Angeles
San Diego, CA
Chicago, IL
Detroit, MI
San Francisco, CA
Hawaii

Mr. KOLBE. Is that also highest in the areas where there is high drug trafficking? And is that where your problems exist for pre-trial detainees, Federal detainees?

Mr. QUINLAN. Where drug trafficking exists is exactly where we are having the most problems.

Mr. KOLBE. Drug trafficking unfortunately exists everywhere.

Mr. QUINLAN. The major areas where we are suffering the most is where the drug trafficking is the worst.

Mr. KOLBE. Thank you.

ELECTRONIC MONITORING

Mr. ROGERS. Mr. Director, you do not request any additional monies or any increases for the use of electronic monitoring. Why not?

Mr. QUINLAN. Well, the electronic monitoring program was the result of an initiative on the part of Chairman Baer of the U.S. Parole Commission, Mr. Chamlee of the Probation Division, and myself. A couple of years ago we provided seed money to get the programs initiated. We understand that in the first quarter of 1991, the Probation Division is assuming all the responsibilities for the costs involved in electronic monitoring so, those programs will be under their total aegis.

Mr. ROGERS. Do you have any feel for how that is going?

Mr. QUINLAN. Yes, I have been a strong advocate of electronic monitoring as opposed to home detention. I have felt for some time that the money that we spend in the Federal Bureau of Prisons for assignment of prisoners to a halfway house or a community correction center, during the last 90 to 120 days of their sentence, is many times unnecessary because the prisoners are, for the most part, employed in the community. They are involved in other programs in the community. Thus there is very little time spent in the center itself. We are paying on average \$35 a day for that center bed.

If we could make sure that the prisoner complies with the same rules about work and keeping appropriate hours and things of that nature, and if we could do that for less money, then I think it is a great idea. Under current pilot programs, we have about 300 prisoners involved in electronic monitoring at a cost of \$15 per day as opposed to \$35 per day. The failures are fewer on average than the failures we have in Community Correction Centers.

We have found about 17 percent of the cases that are assigned to an electronic monitoring program are revoked and have to go back to prison. On average, about 20 percent of the offenders in the Community Corrections Center are revoked. One could argue that maybe we are selecting better cases for the home detention alternative, but I still like to think it is a very good intermediate punishment.

Mr. ROGERS. Well, thank you very much. And you continue to run a very good agency. I have told many people outside of your hearing that I consider the Federal prison system the best run Federal agency that I know.

Mr. QUINLAN. Well, thank you very much. I appreciate that very much.

Mr. ROGERS. Thank you, Mr. Chairman.

TRAINING

Mr. EARLY. Mr. Quinlan, I have a problem. You are asking for an increase of \$950,000 to "study" your training needs. Why cannot this type of study be performed by the National Institute of Correc-

tions as part of their mandate to provide the training of correction personnel? Why do we need it at all?

I am sure you have studied it before, and there is not anything we have not studied in prisons.

Mr. QUINLAN. Well, Mr. Chairman, we have looked at it. This request would give us the opportunity to really provide to the Congress and to the Administration a thorough analysis of our training needs. As I told the committee before, the biggest challenge to the Bureau of Prisons in the 1990's is not going to be finding people to fill all the jobs that we are going to be creating, but it is going to be trying to maintain the same level of quality of staff through good training and good experiences, so that we can perform to the level that the Congress and the American people expect.

We think it has got to be a multidimensional training approach. We are looking at training institutions where people are assigned for 2 to 4 weeks after they are first selected for a supervisory position. We are looking at cross-training opportunities. We are looking at executive training programs to provide middle management and upper management people with good supervisory and leadership training skills.

We are looking at a whole host of specialty training programs. It is our belief that we need to come to the Congress with a coordinated, integrated plan, and that is why we are requesting this money.

Mr. EARLY. Why do we need \$1 million? You are making that expression today. You are coming to us with a good plan. I do not know why we have to spend \$1 million for a study. Is not on-the-job training when you have got the facilities and you have got the personnel as good as you have got going right now? Why spend \$950,000 to study something that both you and Mr. Houk already know?

Mr. QUINLAN. Well, as Mr. Houk reminded me, this is an estimate that has been given, I think, provided by OMB. And I certainly would like to get back with you in terms of looking at that and making sure that it is a correct amount.

RELOCATION OF NIC

Mr. EARLY. In the fiscal year 1991 conference report, concern was expressed over the lack of movement by the department towards the proposed relocation of the National Academy of Corrections. What are your current plans? And are there any funds in the 1992 budget request associated with this move?

Mr. QUINLAN. Mr. Chairman, could I introduce to you and ask the acting director of the National Institute of Corrections, Larry Solomon, to answer that question.

Mr. EARLY. Sure. We would like him to stand and just identify himself.

Mr. SOLOMON. I am Larry Solomon from the National Institute of Corrections. Basically, because funds were not available back in 1989 and 1990, we closed the process out of trying to locate the National Academy in Louisville in September of 1989. For the last 18 months, from the Institute's perspective, we just plan to continue providing training the way we have been doing since the inception of the existing Academy in 1981.

MEDICAL SERVICES

Mr. EARLY. Mr. Quinlan, back to the medical services. Explain the AIDS treatment program. For example, do we segregate those individuals?

Mr. QUINLAN. The only prisoners who are segregated, Mr. Chairman, are those who are in hospital because they are in stage 4 condition and have what is called an opportunistic infection. That is, they are in the last stages of their sickness. We have assigned the male prisoners, generally, to our Springfield, Missouri, medical center, and the female prisoners to our Lexington, Kentucky, facility.

In both of those facilities we have not only intensive medical treatment, but we have hospice programs to ensure that the last weeks or months of their life are spent in as much of a caring atmosphere as can be created.

Mr. EARLY. Would it not be practical to find a reasonably priced hospital? I am not saying you could put them all in there. There would still be serious offenders that you might not want to place in a hospital facility for security reasons.

But I mean I would think it would be cost-effective to identify some hospitals that we could acquire, and they could just put a security fence around it. How many hospitals do you have now?

Mr. QUINLAN. We have six facilities, Mr. Chairman, that we consider "medical," although only three of them are major medical referral centers. That would be Lexington, Kentucky; Springfield, Missouri; and Rochester, Minnesota. We also use our facilities in Butner, North Carolina; Fort Worth, Texas; and Terminal Island, California for small components of regional medical treatment, primarily either mental health or chronic.

We also just acquired the Hanson's Disease Center, a portion of the Hanson's Disease Center in Carville, Louisiana. We will be using that facility as the seventh referral center for chronically ill prisoners.

Mr. EARLY. Are you looking at any AIDS-specific hospitals?

Mr. QUINLAN. Mr. Chairman, we will be needing additional medical space, undoubtedly, in the next couple of years. And I think the Executive Staff of the Bureau of Prisons firmly believes that even the 154 men and women who are stage 4 AIDS infected cases, do not always have to be segregated from all of the other prisoners. They do not pose a medical risk to those other prisoners unless they would be involved in high-risk behavior. All of them are known to others to be generally infected.

Mr. EARLY. Are not they at risk to themselves and some of the other inmates?

Mr. QUINLAN. I do not think that they are. The fact is, we have been very surprised, very favorably surprised by the fact that the number of prisoners who have been identified, through our testing programs, as having become infected in prison with the HIV virus is less than I think a dozen since 1987. So, it is a very small number of prisoners who have caused other prisoners to become infected.

Mr. EARLY. I mean even that is a very small number, and you are not even sure of the dozen as far as you know. That disease is so unique.

Mr. QUINLAN. That is right. They could have been infected before.

CONTRACT MEDICAL COSTS

Mr. EARLY. You also request an increase of \$2 million to cover increases in contract medical costs. Are these cost increases similar to those being experienced throughout the medical community?

Mr. QUINLAN. Actually, they are probably a little lower than those being experienced in the outside medical community. This is an area, Mr. Chairman, that has been very difficult for us to manage because the costs in the outside community are escalating astronomically; 10 to 15 percent a year is not unusual. We have been taking funds as we can find them to manage our medical needs, reprogramming when necessary. It is a very expensive process, as you can imagine.

Mr. EARLY. Concerns have been raised to the committee about private medical providers low-balling a prison contract and then significantly escalating the cost of that contract after the original term expires. Has this happened?

Mr. QUINLAN. Unfortunately, it has happened. A contract medical operation that we used in our facility in Duluth, Minnesota, recently doubled the charge to us, doubled it in 1 year. It caused us to refuse to renew the contract because we could not absorb that kind of an increase.

Mr. EARLY. When we talk about alternatives do we not have to also look at some alternatives to your medical operations. As far as acquiring a hospital, could one be found located where there is a medical school, so you could work together to get good service?

I mean it just ties into another problem we have as far as financing some of those low income medical schools. Do we have any relationship with any medical schools?

Mr. QUINLAN. We do not at this time, although we are developing a relationship with—I am losing the word I am looking for. They are not medical doctors, but we are developing a relationship with a college of osteopathy in Chicago that would allow us to get a lot of trained osteopaths to come into the Bureau of Prisons upon completion of their studies.

Mr. EARLY. You request some \$52,000 to expand your kidney dialysis service. Considering the great expense and all the medical problems associated with dialysis, would it not make sense for both the Government and the Bureau of Prisons to examine them and maybe release the ones that are not threats?

Mr. QUINLAN. That is always an issue that we consider, Mr. Chairman.

Mr. EARLY. But you never release any of them.

Mr. QUINLAN. We do release inmates on occasion, but very rarely, quite honestly. What happens, and this happens in the case of AIDS also, the individual has no community resources, has no private health insurance, and does not want to be released.

Mr. EARLY. Not all cases. I mean there was a case in Massachusetts that you are familiar with, which was a terminal case. The family would have taken him back, and he died within 30 days. And he died at a great expense. This member certainly feels that it makes for problems for you, and I would give you a lot more autonomy.

Mr. Alexander, I would yield if you have any more questions.

Mr. ALEXANDER. I have nothing at this time.

BASE CLOSURE ACT

Mr. EARLY. How many facilities on military bases do you have now?

Mr. QUINLAN. We have, when you count active and deactivated military installations, 15 I believe.

Mr. EARLY. That is an awful lot of facilities.

Mr. QUINLAN. We are looking for more.

Mr. EARLY. We are going to have another base closure. And you know the residents around those bases, they want it. We should really be ready for that, because we should look at bases where we can take a facility, like a hospital. You have 61,000 inmates, there must be plumbers, electricians, everything you want, you can find them out there in your crowd, and they should participate a lot more in the construction of the prisons.

Mr. QUINLAN. One of the things we are doing that I think you should know is, at the Allenwood facility that we are going to open and activate in 1992, is going to be activated half finished. It is going to be completed by the prisoners who are assigned to that facility over the next 3 to 5 years.

Mr. EARLY. Now there is a facility that has a tremendous history.

Mr. QUINLAN. That is the minimum security facility.

Mr. EARLY. You mention the site of the former Federal prison at Lewisburg, Pennsylvania. Now your maximum security is still in operation there.

Mr. QUINLAN. Yes. This intensive confinement center is right outside the wall of the maximum-security penitentiary. It is the former prison farm camp, where we put prisoners who worked out on the Lewisburg Farm. We closed that facility and now use it for the so-called boot camp.

ELECTRONIC MONITORING

Mr. EARLY. If we want to get real tough with prisoners, could you just say that you put them in a jail in Kentucky? I mean would that not be double punishment? [Laughter.]

On electronic monitoring, I was really interested in your answers on that, too, because that does really reduce the cost. It is a very unpopular thing, because you get the Willie Horton stories. Willie Horton was a much bigger mistake—it was not good management or supervision. But we have to take some risks with some of these inmates.

You have an awful lot of white collar crime that as soon as the door closes in back of them they pay their price. The general public will not accept them when they are released. But going to 98,000 inmates in 4 years is really threatening.

Mr. ALEXANDER. That is from what level?

Mr. EARLY. From 61,000.

Does the Bureau utilize the Public Health Service Corps placements, and to what extent? You know half of our medical schools are public. So that if they serve in an area that does not have enough physicians, we pay off their tuition, so to speak.

Mr. QUINLAN. We use the Public Health Service. Obligated Public Health Service Officers many times serve their obligated service in the Bureau of Prisons.

Mr. EARLY. You know we have tremendous scholarships that we give out. And they go into underserved areas that are not nearly as pressing as your facilities. I could see you acquiring a hospital as a prison hospital. You have got some inmates that are 90-years old or 80-years old that do not have to be in the regular population. I would just like to see more alternatives.

And I would like you to address it.

Mr. QUINLAN. I appreciate that.

CLOSED MILITARY BASES

Mr. ALEXANDER. One further question to follow up on what you brought up with the director. Mr. Quinlan, what are you looking for in facilities if there is a closed military base? What would you be looking for as something besides the fact that you got land that is available?

Mr. QUINLAN. The things to look for are barracks buildings primarily and other service buildings that are in good condition and that can be easily and quickly converted into low-security or potentially medium-security bed space. We already have a sufficient number of minimum-custody facilities, prison camps.

With the growth that we are projecting our current request, and the conversions that we have coming on-line, what we are really looking for in the base closures is the opportunity to acquire a base or a portion of a base where there might be some barracks to put in a food service building, an administrative building and a couple of education buildings. We would like to put them into a compound that may be about 40 acres, for a low or medium security prison.

Mr. ALEXANDER. Thank you, Mr. Chairman.

Mr. EARLY. Why would not the facility that Mr. Alexander spoke of earlier, the boot camp-type approach, be a potential for the base closures? I do not think the constituency around it would be afraid of it if it was identified as a minimum-security boot camp-type of facility.

Mr. QUINLAN. That is a good point, and I think that if this pilot continues to be successful at Lewisburg, that may well be something we will be looking for on base closures.

MOST EXPENSIVE PRISONS

Mr. EARLY. What is your most expensive prison built today?

Mr. QUINLAN. In terms of operating or actual cost?

Mr. EARLY. Construction costs.

Mr. QUINLAN. The most expensive prisons we have built thus far are the complexes at Allenwood, Pennsylvania and Florence, Colorado, which are going to cost us in excess of \$150 million each. But

they will give us about 2,100 or 2,200 beds in each one of those facilities.

Mr. EARLY. You just have to have alternatives to that type of cost. I would appreciate it if you would look into using the Health Service scholarships. I think they are available in every major city you have, and I think you would find the medical people enthused about going to those facilities.

Mr. QUINLAN. Thank you.

Mr. EARLY. We have a lot of other questions which we will include in the record.

Thank you for your statement.

[The questions and answers follow:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Federal Bureau of PrisonsElectronic Monitoring

QUESTION: Assuming the presence of sufficient resources, how many individuals could conceivably be placed under electronic monitoring in FY 1992:

- A. What would the electronic monitoring costs be, and what would be the savings resulting from reduced institutional care?**

ANSWER: Home Confinement is a generic term which is used to describe intensive supervision programs in which the offender is required to remain home during non-working hours. Electronic monitoring equipment is usually, but not always, used to monitor compliance with the condition. Federal probationers, parolees and inmates may be included in home confinement programs. While on home confinement, the offender has an opportunity to assume increasing levels of personal responsibility. At the same time, it provides sufficient restrictions to promote community safety and continue the sanction of the sentence.

During 1990, more than 8,000 inmates were transferred from the Bureau Of Prisons (BOP) institutions to BOP Contract Community Corrections Centers (CCCs). Since each of these offenders was placed in a community facility, the assumption might be made that each could have been placed on home confinement. However, for an offender to be included in any home confinement program, he or she must have a place to live, a telephone and not need the structure and assistance of a CCC. In addition, it is usually desirable that the offender be employed, in school or regularly at home caring for young children. With these qualifications added, it is very difficult to estimate the percentage that might appropriately be diverted from a CCC and placed on home confinement.

Based on a recently completed review, it is estimated that at least 50 percent of referrals to CCCs would be unsuitable for direct placement on home confinement, primarily because of the lack of a residence. If we assume that nationwide 40 percent of all releasees through CCC's might be placed on home confinement for the last 60 days of the sentence as an alternative to a CCC, the potential savings in CCC costs would be slightly less than \$3 million.

In 14 of the 94 U.S. Judicial Districts, BOP, in conjunction with the U.S. Parole Commission and U.S. Probation, operates electronic monitoring programs for parolees, inmates and probationers. The cost of the electronic monitoring contract is \$6.00 per day per inmate.

In some cases, home confinement is being provided by in-

person, non-electronic supervision by BOP's 275 contract CCCs. The cost of these programs is approximately \$15.00 per day, or one-half the cost of residence in the same CCC.

New legislation may increase the number of inmates eligible for home confinement. However, the lack of experience with the program makes it impossible to estimate the cost or number of man-days which could be saved.

B. What would be the limiting factors in achieving that number of individuals in the program, other than fund availability?

ANSWER: Currently the joint effort of the U.S. Probation Division, the U.S. Parole Commission and the BOP is limited to 14 judicial districts. The U.S. Probation Division plans to expand to additional districts, but the rate of this expansion is unknown. It is also unclear when the U.S. Probation Division will have sufficient trained staff to increase current caseloads.

Another major limitation on expansion of home confinement is the legislation, which limits participation to the last ten percent of the sentence or six months, whichever is less.

Finally, there are a number of factors that must be considered when determining whether an individual is qualified for home confinement. These factors include: does the offender have a residence; is there a telephone; would the family support the offender in his efforts to comply with the program requirements; does the offender need the employment services of the CCC; and is the offender in need of drug counseling or other support services in the CCC? Because there are so many factors, and many of them require evaluation by a trained probation officer to evaluate, it is almost impossible to quantify how many additional inmates could appropriately participate in, and benefit from, a home confinement program.

Activations

QUESTION: You request 1,995 positions and \$120 million to activate new or expand facilities in 1992. Are you aware of any schedule changes which might affect the activation of any facilities?

ANSWER: All the activations listed in the 1992 budget are currently on schedule. BOP constantly reviews this schedule, and will inform the Subcommittee of any changes in these activation dates.

QUESTION: You request \$5.4 million for equipment associated with the Florence, Colorado correctional complex, which is not scheduled for activation until early 1993. What would be the impact on this activation if funds were deferred until 1993?

ANSWER: The \$5.4 million requested for the Florence, Colorado correctional complex is to procure equipment requiring a long lead time for delivery. If this funding is not received in FY 1992, this equipment could not be ordered until FY 1993, and the activation of the complex will be delayed until later in FY 1993.

QUESTION: You are seeking authority to make the full \$120,148,000 requested for activations available until expended. Why?

ANSWER: The request provides for the availability of activation resources for only two years. Due to circumstances beyond BOP's control, such as construction delays, institutions are often not activated as originally planned when the activation resources were requested. Since the budget process begins two years before resources are required, it is difficult to forecast activation delays. Having the full amount of activation resources available for two years will ensure that these resources are available when the facilities are ready to be activated.

QUESTION: Why is it necessary to make the funds associated with the 1,995 new positions available until expended?

ANSWER: As stated above, it is difficult to predict activation dates two years in the future with absolute accuracy. Currently, if an activation is delayed until the following year, then the resources associated with activating that facility lapse and BOP is required to absorb those costs from other program areas. If the funds are available for two years, then the full resources are available when needed. In the case of positions, this would include both the initial costs plus annualization resources to fund full year operations.

QUESTION: How much do you realistically believe is necessary to be available to carry forward if activations slip?

ANSWER: Currently all activations are on schedule. It is difficult to foresee activation slippage, and, therefore, difficult to estimate how much in activation resources will need to be carried forward.

Drug Treatment

QUESTION: You request \$11,948,000 for expansion of your drug treatment program. Please explain for the Committee how your program is structured. Is it voluntary?

ANSWER: All drug treatment program components are voluntary, except the mandatory Drug Education Program. Drug Education is a mandatory program for inmates with a substance abuse history who meet the following criteria:
a) all inmates for whom there is evidence in the Pre-

Sentence Investigation (PSI) that alcohol or other drug use contributed to the commission of the instant offense; b) individuals whose alcohol or other drug use was a reason for a violation of parole or probation supervision for which the subject is now incarcerated; and c) inmates for whom there is a court recommendation for drug programming. The program will also be available to volunteers; however, priority will be given to inmates with alcohol and other drug abuse histories.

A comprehensive discussion of BOP's drug abuse prevention is provided in answers to questions posed by Mr. Kolbe accompanying these hearings.

QUESTION: How many institutions currently have a program, how many will have one after this increase of \$5,262,000, and how many institutions remain to be served?

ANSWER: Currently, eight facilities have residential unit-based programs that meet the standards of a comprehensive or pilot facility, as outlined BOP policy. They are at approximately 76 percent of their operational capacity at this time, as they have only been selected and funded within the past 12 months.

By the end of FY 1991, five additional units will have been funded, for a total of 13 residential programs.

By the end of FY 1992, an additional 16 units will be able to be funded with the expansion increase requested, for a total of 29 residential programs.

At least ten additional units will be required by FY 1995, based upon the best available current information from admissions cohort studies, volunteerism rates, projected admissions of offenders with drug problems, and the average sentence length of these offenders. This number may change, however, due to the possibility of change in a variety of key indicators related to need forecasting in this area.

QUESTION: Please explain what the \$6,686,000 for transitional services is designed to provide, and how much was requested for that purpose in FY 1991?

ANSWER: The funding requested for transitional services is slated to provide between three and six months of intensive outpatient aftercare services of approximately 20 hours per month, upon an inmate's placement into a Community Corrections Center (CCC) contracted BOP. This amount should accommodate approximately 1,710 individuals who are anticipated to complete the residential programs in FY 1992.

No specific funding was requested for this purpose in FY 1991. This was due to the fact that virtually all programs were in a start-up phase, and the projected numbers of participants and successful program completions were

anticipated to be small. Additionally, the exact nature and structure of the Transitional Services Program was in a developmental stage at that time.

QUESTION: How are prisoners provided treatment at those facilities without a program?

ANSWER: The vast majority of BOP institutions have counseling services available for substance abusing offenders. For offenders who need and desire residential services, a transfer to an appropriate facility with a residential or other appropriate program is offered to them, in a geographic area as close to their homes and families as program availability and other extenuating case factors (i.e., security level, need for separation from other inmates) will permit. Currently, there is at least one residential program in each of the six geographic areas of the country, and more for those areas with higher numbers of offenders with drug problems.

QUESTION: Have you any estimates of the recidivism rate of those prisoners in the treatment program at existing institutions?

ANSWER: Unfortunately, no estimates are available on the recidivism rate of those offenders who have successfully completed a full course of treatment in any of our residential programs. This is because they have not been operational for a sufficient period of time in the manner planned to evaluate outcomes. Necessary data collection will require an additional two to three years, despite the current efforts BOP has undertaken in the interagency agreement with the National Institute on Drug Abuse to evaluate this and other aspects of BOP's programs.

Prison Capacity

QUESTION: What in your judgement is the manageable level of overcrowding for both the short term and the long term?

ANSWER: BOP has determined that an inmate population at 130 percent of rated capacity is an acceptable level of overcrowding. Through the expansion of existing institutions, the construction of new facilities, and the acquisition of surplus properties, BOP is currently working to reduce the existing overcrowding level of approximately 60 percent to this 30 percent goal.

In arriving at the 30 percent goal, BOP considered all reasonable alternatives which would reduce the capital expenditures for prison expansion while maintaining safe and humane facilities. This goal acknowledges the reality of the Federal budget deficit and BOPs' experience and professional judgement in managing overcrowded facilities.

In addition, the goal to reduce overcrowding to 30 percent does not imply an across the board reduction in all

facilities. Experience has shown that to maintain safe and humane facilities, the system can accept a greater level of overcrowding in the lower security institutions and that high security institutions. The U.S. Penitentiary at Marion, Illinois for example, should never be overcrowded.

QUESTIONS SUBMITTED BY CONGRESSMAN ROGERS

Federal Bureau of Prisons

Federal Prisons Industry Study

QUESTION: The FY 1991 Appropriations Act requires Federal Prison Industries (FPI) to contract out an independent market study concerning the impact of FPI procurement policy on certain private sector industries.

Please provide an update on your progress to date.

ANSWER: The Act directed FPI, Inc. to enter into a contract for an independent market study, with the objectives of identifying products that FPI can manufacture which will keep requisite numbers of prisoners gainfully occupied while impacting private industry to the least extent practicable, assessing the impact that FPI has had on private sector industry, and determining whether current law governing FPI should be modified. Results are to be reported to Congress by August 5, 1991.

A draft outline of a Statement of Work was developed and circulated on November 9, 1990, in order to obtain comments on the design of the research project. Also, the availability of the draft was announced in the Commerce Business Daily. Over 30 comments on the draft were received, including detailed comments from Congressional sources. The draft was modified extensively based on these comments. In addition, a meeting was held between the Chief Operating Officer for FPI and the Chief Minority Counsel for the House Committee on the Judiciary. This also resulted in a number of changes to the draft. A request for proposals was placed in the Commerce Business Daily as well as in the Federal Register.

The proposal was announced in the Commerce Business Daily and the Federal Register on December 7, 1990. The Request for Proposal was mailed to the requesters on December 17, 1990. All proposals were due by January 18, 1991.

Over 60 requests for the Statement of Work were received and copies of the document were mailed to the requesters. A meeting was held on Tuesday, January 9, 1991, at which time about 35 interested parties attended and questioned the contracting officer on the Statement of Work.

Twelve proposals were received. A panel of outside reviewers including representatives from the National Academy of Administration, the Small Business Administration, the National Institute of Justice in the Department of Justice, and a former Secretary of Commerce reviewed all the proposals and identified the best. The award of the contract was made on February 1, 1991 to Deloitte and Touche, a management and accounting firm.

The study is now underway. Top management of FPI met with

the principals of Deloitte and Touche immediately following the award to offer all assistance possible. The contractors have announced in the Commerce Business Daily and the Federal Register meetings open to the public to obtain input in early March and again in early April. Also, they are meeting with individuals who have a special interest in the study on an individual basis.

An interim report will be promulgated for comment on May 1, 1991, and the study will be presented to Congress on August 5, 1991.

QUESTION: Do you anticipate any delays in providing the study to Congress within the nine months from bill enactment requirement?

ANSWER: In discussions with the principals at Deloitte and Touche, we have received no indication that the study will be delayed, and it should be delivered to Congress within the nine month requirement.

QUESTION: What will the study cost?

ANSWER: As stated by Congress, the study will cost no more than \$250,000. The award was for less, and we anticipate the final product will not exceed \$250,000.

QUESTIONS SUBMITTED BY CONGRESSMAN RALPH REGULA

Federal Bureau of Prisons

Ohio Complex

QUESTION: Your budget justification indicates that the Bureau of Prisons is actively looking for a site to construct a Federal Correctional Complex in the State of Ohio. What criteria does the Bureau use in selecting a site?

ANSWER: The Bureau of Prisons (BOP) has several criteria for selecting a Federal prison site. One crucial factor is the geographical area of the country from which inmates are being sentenced. Community support is also vitally important. In addition, factors such as location of a facility within 50 miles of a large population center (50,000 or more), possible environmental problems, availability of utilities at the site, adequacy of fire protection, medical services and educational opportunities and reasonable access to a commercial airport, are all considered when selecting a potential site.

QUESTION: How important is community support for such a facility?

ANSWER: Community support is vitally important for the successful establishment and operation of a Federal prison. BOP strives to eradicate general misconceptions regarding prisons and inform communities about BOP's history of safe, humane prison operations. In addition, Federal prisons provide communities with a stable local "business," since the majority of prison employees are hired from the local community and BOP relies on the local community businesses to provide operating commodities and services.

QUESTION: How many workers would a complex employ? What would be their annual average salary? What would be the total annual budget for such a facility?

ANSWER: A complex would employ approximately 1,000 workers. The average annual salary would be approximately \$32,000, plus benefits for a total of approximately \$41,600. The total annual operating budget would be approximately \$56 million.

QUESTION: Would you elaborate on the economic impact a prison facility can have on a community?

ANSWER: While specific cost figures have not been developed for the proposed Ohio correctional Complex, it is anticipated that this facility will have a construction cost in excess of \$150 million which will result in over 2,000 man-years of employment during the 30 months of construction.

Once operational, the facility will employ approximately 1,000 staff. Traditionally, 50-60 percent of the employees are hired locally. The annual operating budget is expected to exceed \$50 million which includes a payroll of around \$35 million. The current average salary in a Federal correctional facility is \$32,000.

QUESTIONS SUBMITTED BY REPRESENTATIVE JIM KOLBE

Federal Bureau of Prisons

Drug Abuse and Prevention

QUESTION: The Bureau of Prisons is engaging in comprehensive drug abuse prevention, education and treatment programs. What are the specific goals for these programs, and are they helping to prevent recidivism among drug offenders?

ANSWER: The goals of the Drug Abuse Program in the Bureau of Prisons (BOP) are to educate offenders as to the nature and consequences of drug abuse and addiction, for themselves as individuals, for members of their families, and for society as a whole.

While many offenders are aware of the criminal consequences for possession, distribution, and other involvement in the world of drugs as a criminal enterprise, there are many offenders who are lacking in knowledge about the insidious nature of addiction. They may be either oblivious to or unconcerned about the damage that abuse and addiction can inflict on their physical and emotional health, their families, and society. Program goals are to increase such awareness and to strongly motivate treatment program participation for those in need.

The comprehensive drug abuse treatment strategy of BOP calls for the development of a series of multi-tiered programs, involving interventions of progressive intensities and durations, for dealing with offenders with drug abuse problems. There is one level for the delivery of drug education services, three treatment levels, and one level of transitional services. The hierarchy is as follows:

- 1) Drug Education Programs
- 2) Drug Abuse Counseling Services (Centralized)
- 3) Comprehensive Drug Abuse Programs (Residential)
- 4) Pilot Drug Abuse Programs (Residential/Research)
- 5) Transitional Services (Pre-Release/Community Aftercare)

A comparison of the elements of these five program tiers is provided below.

1. Drug Education Program

Drug Education is a mandatory program for inmates with a substance abuse history who meet the following criteria: a) all inmates for whom there is evidence in the Pre-Sentence Investigation that alcohol or other drug use contributed to the commission of the instant offense; b) individuals whose alcohol or other drug use was a reason for a violation of parole or probation supervision for which the subject is now incarcerated; and c) inmates

for whom there is a court recommendation for drug programming. The program will also be available to volunteers; however, priority will be given to inmates with alcohol and other drug abuse histories. Participants will be required to complete a standardized course during their first six months of incarceration. The criteria for program completion include class attendance and a passing score on an objective standardized written test.

As an incentive to stay in the program, inmates who are required to complete the program but fail to do so will be restricted to the lowest inmate pay grade. Additionally, they will be ineligible for a halfway house placement and other community activities which are available to carefully screened individuals during the latter portions of their sentences.

The primary objectives of the course are; 1) to promote an understanding as to how and why individuals abuse substances or become addicted; 2) to facilitate understanding of the effects that continued abuse can have on one's health and life; 3) to assist the student in understanding the difficulties in the treatment of abuse; 4) to demonstrate that treatment can be successful; 5) to convey the understanding that programs are available while incarcerated and in the community; and 6) to develop a sense of trust and cohesion in small group settings, that motivates a desire for further treatment for those who are in need of additional intervention.

The specific content of the course includes chapters on the following topics:

- 1) Overview of Drug Education Program
- 2) Models of Addiction
- 3) Explaining Addiction
- 4) A General Overview of Drugs and Drug Terminology
- 5) Alcohol and Other Sedatives
- 6) Narcotics
- 7) Cocaine (and Crack)
- 8) Stimulants Other Than Cocaine
- 9) Tobacco
- 10) Hallucinogens
- 11) Cannabis (Marijuana)
- 12) HIV Infection and AIDS
- 13) The Impact of Alcohol and Drug Abuse on the Family
- 14) Relapse Prevention

The text and materials were prepared in their entirety by psychologists from within the Bureau. Small groups will undergo the course from between 4-10 hours per week, at the institution's prerogative, until it is completed. Students who do not meet the mandatory criterion for successful completion will be given specific feedback regarding deficit areas, and given an opportunity to

remediate. A minimum score of 70 percent mastery on field tested exams is required to successfully complete the course.

Both English and Spanish versions will be available, and all exemptions by reason of cognitive impairment, or other disabilities will be provided by a mental health professional. A standardized Certificate of Completion will also be awarded to all who successfully complete the course.

2. Drug Abuse Counseling Services

Centralized Drug Abuse Counseling Services will be available to volunteers at all institutions at any time during their incarceration. These services will include individual counseling with a Drug Abuse Treatment Specialist or a psychologist, group therapy sessions on drug related topics, self-help groups such as Alcoholics Anonymous (AA) and Narcotics Anonymous (NA), stress management and personal development training, vocational and pre-release planning. Some programs will have specific lengths and completion criteria, while others will allow inmates to participate in on-going therapy.

All individuals enrolled will have a treatment plan for the specific group or individual sessions in which they are involved, with the exception of self-help groups. These programs may be recommended, however, as a part of the individual's treatment needs, and participation monitored by treatment staff. The frequency and duration of each inmate's participation in centralized counseling services will be tracked using BOP's computerized Psychological Data System.

The Drug Abuse Counseling Program is intended to provide maximum flexibility to the needs of the offender, particularly those individuals who have a relatively minor or low level of impairment from substance abuse. Such offenders often do not require the intensive levels of treatment required of individuals with moderate to severe addictive behavioral problems. However, a second very important purpose of the program is to provide those offenders who do have moderate to severe drug abuse problems with supportive program opportunities during the time period that they are waiting to participate in the highly structured residential programs. Additionally, supportive services will be offered to those individuals who have completed the residential programs but are waiting for release to the community.

3. Comprehensive Drug Abuse Treatment Programs

Comprehensive Drug Abuse Treatment Units (residential programs) are in the process of being developed in a number of facilities throughout BOP. Currently, five units are operational, and plans call for the development of five additional units by the end of 1991. More are

planned for 1992, with a goal of having approximately 29 treatment units, or analogous type programs, fully operational by the end of 1992.

Each unit is capable of handling between 100 and 125 offenders, during a nine month program, yielding a comprehensive program treatment capability of approximately 3,600 offenders annually when all units are fully operational. Planning for the projected growth in the population of substance abusing offenders beyond 1992 is ongoing at this time.

Inmates identified as in need of the program, and who volunteer, will be referred to an institution psychologist for assessment of drug abuse problems through a self-report survey, Inventory of Substance Use Patterns (Whittenberger, 1989) and a record review. Inmates with a moderate to severe substance abuse problem who meet the above criteria will be considered eligible for program assignment.

All Comprehensive Treatment Units will include the following components:

- 1) Unit-based programs
- 2) Treatment staff-to-inmate ratio of 1:24
- 3) Program participation of 9 months and 500 program hours minimum
- 4) Individualized treatment plans based on comprehensive assessment
- 5) A prerequisite of 40 hours of Drug Education
- 6) Between 3 and 4 hours of drug treatment programming per day
- 7) Comprehensive assessment
- 8) 280 hours of core group/individual treatment
- 9) 100 hours of wellness lifestyle training
- 10) 40 hours of transitional living issues
- 11) Full team reviews every 90 days
- 12) Treatment team review every 30 days
- 13) Increased frequency of random urinalysis surveillance

The group and individual treatment issues will focus on a variety of skills development issues, both cognitive and behavioral in nature. Criminal thinking confrontation and pro-social values development will be included whenever indicated. Family issues, vocational/educational issues, relapse prevention, self-help, personal development and support groups will be a routine part of the individual's program.

The comprehensive residential programs will be based upon a biopsychosocial model of substance abuse. Treatment will include a strong relapse prevention emphasis. The goal of relapse prevention treatment is to provide individuals with the behavioral and cognitive skills necessary to cope effectively with high-risk situations (Marlatt and George, 1984; Marlatt and Gordon, 1980 and

1985). Individuals are taught how to respond to a lapse (i.e., a single incidence of return to drug use) and how to achieve a positive lifestyle characterized by a balance between work and recreation, and by healthy habits, such as exercise, to reduce stress.

It is in this latter regard that a strong commitment to a rigorous wellness lifestyle schedule will be maintained and integrated into the program. Indeed, daily wellness program activities are expected of participants, in assisting them to modify their abusive and addictive lifestyles. This will be an interesting area of future research, in comparing the relative effectiveness of programs with and without wellness program components.

The offender is prepared throughout the program for release to the community, upon successful completion of the program, through a Community Corrections Center facility, operated or contracted by BOP. A tremendous amount of readiness preparation, however, occurs during the last few months, particularly in the relapse prevention area. High risk situations are discussed, as well as family issues, job issues, and supervision concerns, and a specific relapse prevention plan is prepared for the individual. Individuals will have an opportunity to be gradually phased into the community over a period of up to six months, dependent upon a variety of factors related to the offender's criminal history, assessed risk to the community, institutional adjustment, program performance, and assessed need.

4. Pilot Drug Abuse Treatment Programs

Three Pilot Drug Abuse Treatment Programs are operational at Federal Correctional Institutions (FCI) located in Butner, North Carolina, Tallahassee, Florida, and Lexington, Kentucky. The programs at Butner, North Carolina and Tallahassee, Florida serve male offenders, while the facility at Lexington, Kentucky, serves female offenders.

These pilot programs have a strong research emphasis and will involve larger investments of staff and fiscal resources. They will remain pilot programs until a future evaluation indicates whether the additional resources produce more positive post-release outcomes.

The pilot research programs are very similar to the comprehensive programs with the following exceptions:

- 1) Treatment staff-to-inmate ratios of 1:12
- 2) Program length of 12 months
- 3) 1,000 hours of treatment
- 4) Extended participation in outcome studies

While most pilot and comprehensive programs will be based on this model, there will be some treatment differences among all of the programs. Some of the differences among

the three pilot programs include:

- 1) The programs at FCI Tallahassee and FCI Butner will emphasize a social learning philosophy toward treatment, while the program at FCI Lexington will use the traditional AA/NA 12-step model.
- 2) The number of treatment hours per day differs between the Tallahassee and Butner programs (4 hours treatment, 4 hours work) and the Lexington program (10.5 hours treatment).
- 3) FCI Tallahassee and FCI Lexington are both low security level institutions, thus the programs at these institutions will serve primarily low security level inmates. FCI Butner is an administrative facility, thus its program will serve inmates of all security levels.
- 4) FCI Lexington will serve female offenders only; FCIs Butner and Tallahassee, males only.

It is hoped that the research programs will provide additional information regarding factors related to treatment processes and outcomes which will enhance future treatment efforts.

5. Transitional Services (Community Re-entry Phase)

Transitional services will be provided after release from the prison environment to both comprehensive and pilot residential program participants who successfully complete the programs. Post-release services are critical to the maintenance of drug-free lifestyle changes facilitated by the programs while incarcerated. It is during the first three to six months that offenders are at greatest risk for relapse following treatment and in need of well-coordinated comprehensive support services. The transitional services delivery component will consist of two phases.

The first phase, pre-release services, will consist of up to 6 months in a Community Corrections Center, with specialized drug treatment programming either contracted out or provided directly by staff. The second phase, aftercare services, will consist of six months during which community services are coordinated jointly with the Administrative Office of the United States Courts, United States Probation Office. Several recommendations for service delivery have been adopted for the transitional phase:

- 1) individual and group counseling sessions for varying time frames throughout the 12-month period, at least 20 hours monthly for the first three months.
- 2) treatment focus on family, work adjustment, residential living issues, and relapse prevention planning (coping with high-risk events) through

- 3) written assignments and group discussions.
- 4) assistance in identifying and obtaining employment.
- 5) random urinalysis occurring with decreasing frequency over 12-month program duration.
- 6) documentation of all contacts by all service providers who are certified or appropriately licensed; and
- 7) transitional Care coordinators in each facility who arrange and monitor service delivery.

Inmates who successfully complete either residential program, and who have a good record of institutional conduct (no serious rule infractions), will be given priority for receiving post-release transitional services. These services will be contracted in a number of communities or operated directly by personnel around the country in those locations where inmates from the pilot and comparison comprehensive programs are to be released. Program coordinators recognize that the success of institutional drug treatment programs are to a great extent dependent upon the availability of high quality transitional care programs in the community, which deal constructively with the problems faced by the drug offender upon release. To this end, substantial resources will be dedicated to this critically important program area.

The development of high quality treatment programs is a foreboding challenge in any setting, particularly within the realm of corrections. Similarly, the development of both process and outcome evaluation strategies for the treatment interventions delineated herein have required extensive planning as well. Not only are such evaluations of interest for purely academic reasons. High quality evaluations are required to instill credibility and accountability of program efforts. They are necessary and useful in answering many of the questions heretofore only partially explicated by previous program experiences.

In developing an evaluation plan for the current intervention strategy, the groundwork has been established for one of the most comprehensive, longitudinal evaluations ever conducted with correctional populations regarding the effectiveness of professionally managed drug treatment programs. This is reflected in the Proposal for the Evaluation of BOP's Drug Abuse Treatment Programs submitted to the National Institute on Drug Abuse (NIDA), in March, 1990 (Federal Bureau of Prisons, Office of Research and Evaluation, 1990). The resultant five year, 2.75 million dollar interagency agreement has provided the mechanism through which important information concerning the effectiveness of institution-based drug programs will be made available in the months and years ahead.

With regard to the part of the question concerning recidivism, it is simply too early to tell as to whether or not these programs will have a significant impact upon the recidivism rate for drug offenders. What is known,

however, is that similarly structured residential programs in New York and Oregon have demonstrated decreases in recidivism for participants who successfully completed their programs. However, long-term, well-controlled comparison groups are necessary in order to better determine for whom, and under what circumstances, which types of program interventions are most effective. It is believed that our agreement with NIDA is a significant step in attempting to get this type of information. It is clearly needed for purposes of policy planning and more informed resource allocation in the future.

QUESTION: Before implementing these programs, did the Bureau of Prisons consult with the Office of National Drug Control Policy (ONDCP), and did ONDCP either issue an opinion on these programs or endorse them outright?

ANSWER: The BOP's drug abuse programs and resources required to implement these programs are detailed in BOP's budget requests. The Office of National Drug Control Policy reviews, analyzes, and provides comments on BOP's budget requests. Through this process, ONDCP endorsement the entire \$11.9 million request.

Deportable Aliens

QUESTION: Has the percentage of deportable aliens in Federal prisons changed since last year?

ANSWER: Yes. The number of non-citizens confined in BOP facilities in March 1990 was 12,254. As of March 7, 1991, the total BOP population was 60,771 of which 14,610 were non-citizens. The percentage of non-citizens incarcerated in Federal prisons increased 19.2 percent from March 1990 to March 1991. Note that these statistics represent the total number of "non-citizens" confined in BOP facilities and do not necessarily represent the total number of "deportable" aliens. The determination of deportation status would be dependent on a number of variables, for example a non-citizens resident status and the type of crime that they have committed.

QUESTION: Can a breakdown be provided of what countries these deportable aliens are from and what the numbers are from each country?

ANSWER: Please refer to Attachment 1 for this breakdown of non-citizens incarcerated in BOP facilities.

QUESTION: What is the percentage of deportable aliens in each Federal correctional facility?

ANSWER: Please refer to Attachment 2 for a breakdown of by Federal correctional facility.

QUESTION: Are we working on exchanging more prisoners with other countries that would agree to both take them for the remainder of their sentence and provide basic protection

from cruel and unusual punishment?

ANSWER: To participate in any prisoner exchange, a country must have a treaty with the United States or be party to an agreement, such as the Council of Europe Convention on the Transfer of Sentenced Persons, to which the United States is a party. Such treaties and agreements are negotiated by the Department of State; therefore, any expansion of exchange agreements would have to be initiated by the State Department. Since BOP does not participate in the negotiation process, we are unable to assure basic civil protection by foreign government.

BOP, however, is trying to increase the number of inmates returned to countries with whom the United States has current agreements. In addition to current policy requiring an explanation of the exchange program during the Admission and Orientation process, each inmate eligible for the program will receive a letter, in his/her own language to the extent possible, explaining the availability of the program and directing the inmate to his/her unit team for more information. BOP has also designated an additional staff member in the Central Office to review application packages to speed their forwarding to the Department of Justice Office of Enforcement Operations, which reviews the materials and makes the recommendation to the Department of State. It is hoped that these changes will result in an expansion of the program.

Converting Military Bases to Prisons

QUESTION: What is the current status of studying military installations that could be used for Federal correctional facilities?

ANSWER: BOP continues to work with the Secretary of Defense, the individual uniformed services, the Office of Economic Adjustment, and local officials to acquire military installations for correctional use.

The BOP believes the use of portions of military installations located in the Northeast, Southeast and Western Regions of the country is vitally important by providing additional bedspace in these targeted areas of the country. Construction of new Federal facilities on military installations scheduled for closure provides an infusion of jobs and money into the local economy and assures the continuation of Federal dollars in the area in the form of salaries and annual operating budgets once the facility is opened. Correctional facilities are an excellent source of economic diversification and are environmentally clean.

QUESTION: On April 15, Secretary Cheney will release a new list of bases slated for closure. Has the Bureau of Prisons developed any contingency plans that will go into effect after the next round of base closures becomes a reality?

ANSWER: Yes. BOP will again work closely with the Secretary of Defense, the Office of Economic Adjustment and the communities affected. Based upon the process established by the Congress and the Department of Defense, BOP will evaluate bases which meet site selection criteria.

QUESTION: Two minimum security Federal Prison Camps have been opened on active military bases -- Nellis Air Force Base and Millington Naval Air Station. Recognizing that we have many military installations currently in the process of being closed, and that we will have many more in the future, why have you chosen two active military bases to house Federal Prison Camps?

ANSWER: BOP has nine minimum security camps located on active military bases. The first such camp opened in September, 1930 at Maxwell Air Force Base in Montgomery, Alabama. On this type of base, inmates perform menial tasks for the military and BOP utilizes surplus base facilities for inmate housing and administrative functions. This sixty year history of success makes such an arrangement mutually beneficial and cost effective for both agencies.

In 1988, Nellis Air Force officials offered use of existing buildings to BOP. At that time, BOP entered into an interagency agreement whereby minimum security inmates would perform menial jobs on the base in return for the Bureau's use of buildings for the housing and care of inmates.

The 1987 agreement with the Navy included not only the Naval Station, Memphis, Tennessee but also the Naval Air Station, Saufley Field, Pensacola, Florida. In exchange for use of existing buildings and land for new construction for minimum security inmates, BOP agreed to accept long term (sentences of more than one year) Navy prisoners.

QUESTIONS: Do these particular prisons camps differ from other installations, if so, how?

ANSWER: The camps at Nellis and Millington, are similar to the other seven Federal Prison camps on military bases.

QUESTION: Could the Bureau of Prisons briefly describe the arrangement that was developed with the Air Force and the Navy that led to the construction of these particular camps?

ANSWER: In exchange for the establishment of a Federal Prison Camp on the base, BOP provides minimum security inmates who perform menial jobs and services. Because inmates perform these tasks, military personnel are free to perform those duties for which they are trained. Base projects are completed which otherwise would not be accomplished due to lack of manpower.

Almost 40 percent of Federal offenders are classified as

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minimum security. Housing and providing a work opportunity for such inmates is cost effective and productive for BOP as well as the Air Force and Navy.

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WEDNESDAY, MARCH 13, 1991.

UNITED STATES PAROLE COMMISSION

WITNESSES

BENJAMIN F. BAER, CHAIRMAN

LINDA WINES MARBLE, DIRECTOR, CHIEF OF STAFF

KEITH BRATT, BUDGET OFFICER

**HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-
TRATION**

**MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-
LER**

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. EARLY. Continuing our review of the Department of Justice, we will now hear testimony from the United States Parole Commission. The Commission requests \$9.786 million for fiscal year 1992. We will insert in the record at this point the Commission's fiscal year 1992 budget justification.

[The justification follows:]

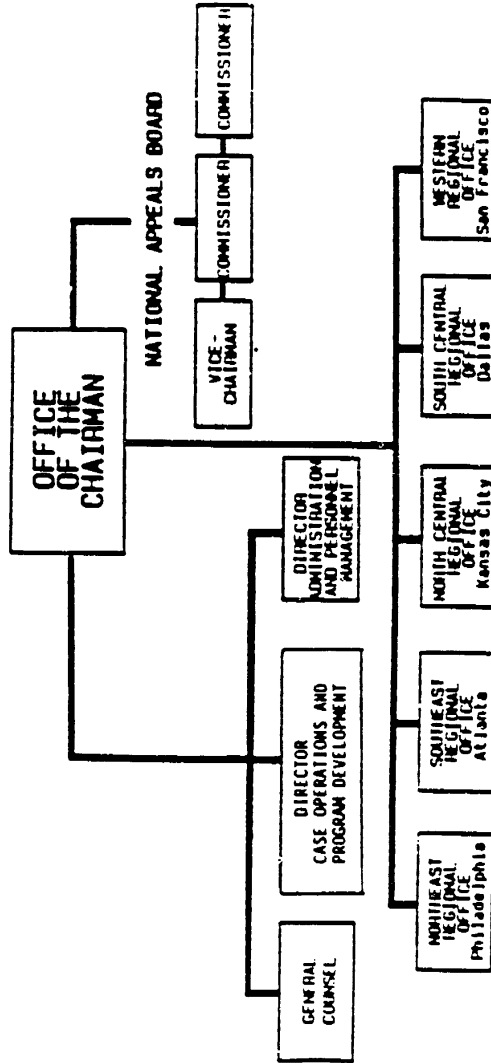
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Department of Justice
U.S. Parole Commission
Estimates for Fiscal Year 1992

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UNITED STATES PAROLE COMMISSION



Approved: B. J. Baker Date: 1/1/59
 Chairman

U.S. Parole Commission
Salaries and Expenses
Summary Statement
Fiscal Year 1992

The United States Parole Commission is requesting, for 1992, a total of \$9,786,000, 60 permanent positions and 79 workyears. This represents a program decrease of \$1,045,000, 45 positions and 19 workyears from the 1991 appropriation enacted.

The United States Board of Parole was created by Congress in 1930. The Parole Commission and Reorganization Act of 1976 (Public Law 94-233, effective May 14, 1976) retitled the agency as the United States Parole Commission. Placed within the Department of Justice for administrative purposes, the Commission is an agency with independent, decision-making powers set forth by statute. The Commission has parole jurisdiction over all eligible federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release).

National parole policy is reviewed by formal Commission deliberation at least quarterly. This continual study and review is designed to monitor and refine parole practices throughout the Federal System.

On a cooperative basis, the Commission uses the services of the staff employed by the Federal Prison System, who are assigned to the correctional institutions throughout the nation. The staff prepares classification summaries, progress reports and other reports concerning parole applicants.

Field supervision of released prisoners is provided by U.S. Probation Officers who are employed by the U.S. Probation Service in the Administrative Office of the U.S. Courts. According to statute, they function as "parole officers" for federal prisoners. Reports concerning the adjustment of parolees and mandatory releasees are prepared by these officers and submitted to the Commission.

As part of the Comprehensive Crime Control Act of 1984 (Public Law 98-493), the United States Sentencing Commission was established to develop and issue comprehensive guidelines for Federal cases. As a result, the current Federal parole system is scheduled to be phased out. Because the Sentencing Commission was not appointed until October 1985, an extension for the sentencing guidelines was enacted. These guidelines went into effect on November 1, 1987, resulting in a decrease in the Parole Commission's workload. The abolishment of the Commission was expected to occur on November 1, 1992; however, the Judicial Improvements Act of 1990 extended that date to November 1, 1997.

U.S. Parole Commission

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1992 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For necessary expenses of the United States Parole Commission, as authorized by law, [\$10,051,000] _____ \$9,786,000

(18 U.S.C. 4202-04, 4212, 4255, 5005, 5041; Department of Justice Appropriations Act, 1991, additional authorized legislation to be proposed)

Explanation of Changes

No substantive changes proposed.

Salaries and Expenses

1991 President's Activity/Program	Budget Request		Congressional Appropriation Actions on		Reprogrammings		1991 Appropriation Enacted		
	Pos.	WV	Pos.	WV	Pos.	WV	Pos.	WV	
Parole	103	98	\$9,869	2	WV	\$182	105	98	\$10,051

1602

U.S. Parole Commission
Salaries and Expenses
Summary of Requirements
(Dollars in Thousands)

Adjustments to base:	Perm. Post.	Work- Years	Amount \$10,051
1991 as enacted	105	98	
Mandatory increases:			
One additional compensable day	22
1991 Pay Annualization	42
1992 Pay Raise	186
Annualization of Executive Level and Senior Executive Service Pay	238
General pay reform costs	43
Health benefits	26
Federal Insurance Contribution Act	4
Travel: Mileage	17
Government Printing Office and Department Printing	6
Financial Operations and Systems Service (FOS)	84
Security Investigations	2
Security reinvestigations	39
General Services Administration (GSA) rent	80
Total mandatory increases	789
Decreases (automatic, non-policy):			
Unemployment Compensation Redistribution	-3
GSA Recurring Reimbursable Services	-6
Total mandatory decreases	-9
1992 base	105	98	10,831

	1990 as Enacted			1990 Actual			1991 Appropriation Enacted			1992 Base			1992 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Estimates by budget activity	136	133	\$10,500	136	132	\$10,316	105	98	\$10,051	105	98	\$10,831	60	79	\$9,786	-45	-19	-\$1,045
U.S. Parole Commission																		
Reimbursable Workyears																		
Total Workyears	133			132			101	3				101	79			-22		
FOY Employment																		
Other	124		124			117	93		93		93		51		51	42		42
Total	136		136			132	105		105		105		60		60	45		45

U.S. Parole Commission
Salaries and Expenses
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

Activity	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Parole	105	98	\$10,051	105	98	\$10,831	60	79	\$9,786	-45	-19	-\$1,045

Long Range Goal: To make decisions relative to grants and denials of parole, conditions of parole, supervision of parolees and mandatory releases, recomittal in event of violation of conditions of supervision, and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1976.

Major Objectives:

To establish, with the aid of statistical data, a national paroling policy and promote the consistent exercise of discretion in the paroling process, including the development and application of specific guidelines for decision-making so that the duration of terms of imprisonment throughout the federal system will be equitable for those prisoners over whom the Commission has jurisdiction.

To make fair decisions regarding the grant or denial of parole, which are fair to the prisoners and which adequately protect the public welfare, within specific time requirements for decisions established by law.

To provide forceful supervision for released parolees and mandatory releasees to enhance community protection and the rehabilitation of such released offenders.

To promptly modify or revoke the parole or mandatory release of any individual who violates the conditions of release.

Base Program Description: The Parole Commission and Reorganization Act provides for nine Commissioners who are appointed by the President with the advice and consent of the Senate. Each Regional Office of the Commission is under the supervision of a Commissioner, and three Commissioners comprise the National Appeals Board in Chevy Chase, Maryland. Hearing Examiners working out of the Regional Offices interview prisoners eligible for parole and make recommendations to the Commissioners. These hearings are conducted by examiner panels at all Federal prisons on a bi-monthly schedule. Examiners also conduct revocation hearings at State and local facilities, as required. Summaries of the hearings are recorded, then transcribed and sent to the Regional Office for the initial review and decision of a Commissioner. Due to the phase-down of the Commission, the Northeast and Southeast Regional Offices will consolidate into an Eastern Regional Office. This Office will be co-located with the Headquarters. Also, the North Central and South Central Regional Offices will consolidate; thereby, giving the Parole Commission a configuration of a Headquarters

and three Regional Offices: one in the east, one in the west, and one in a central location.

An appeal system is in effect to permit review of parole decisions and must be completed at the National Appeals Board within 60 days.

Professional level personnel in the area offices coordinate the work with the Federal Prison System Institutions and the Probation Officers attached to each United States District Court.

The Commission's Case Operations and Program Development section gives functional supervision to Regional Hearing Examiners and Analysts. It provides quality control of case decisions, coordinates the training program, develops procedures to implement Commission policy including a comprehensive manual.

The General Counsel's Office advises the Commissioners and staff on interpretation of the agency's enabling statutes and policy, drafts implementing rules and regulations and assists U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office is also a resource for staff on problems involving the processing of requests for information under the Privacy Act of 1974, as amended in 1975. The Office responds directly to requests submitted under the Freedom of Information Act. Finally, the Office has the responsibility for analyzing applications for exemption from prohibitions imposed by Federal law against persons who have been convicted of certain crimes from occupying labor union, management or pension fund positions, and ensuring that the hearings under the Administrative Procedures Act are properly conducted.

The Commission's legal staff also participates with the State Department and other units of the Department of Justice on various phases of the development of treaties and implementing legislation for the exchange of prisoners with other countries.

Accomplishments and Workload:

1. A total 33,008 individual decisions regarding the grant, denial or reduction of parole, as required by statute, were made during 1990.
2. A total 5,608 National Appeals Board considerations were made during 1990, as required by statute.
3. Supervision was provided to approximately 22,000 parolees, special parolees and mandatory releasees during 1990.
4. Development of methods for increasing hearing panel reliability in guideline assessments.
5. Refinement of the offense severity and salient factor score scales used by the Commission.
6. Refinement of the Parole Decision Recording and Monitoring System which automates many manual, paper-oriented processes and to provide current parole statistics of codefendants.
7. Conducting an evaluation of parole supervision practices during 1991.
8. Electronic monitoring of 452 parolees/mandatory releasees, freeing up badly needed prison bedspace.

The workload of the Parole Commission is presented in the following table:

Item	Estimates		
	1989	1990	1991
Hearings:			
a. Initial	9,009	5,596	3,731
b. Record Review	23,319	19,407	14,561
c. Rescission	755	506	720
d. Local Revocation	371	507	459
*** Institutional Revocation	2,556	2,945	2,598
***f. Other	534	415	700
g. Statutory Review	3,409	3,552	2,917
Total	39,953	*****33,008	25,686
Appeal Decisions:			
a. National	4,230	3,045	2,660
***b. Administrative Review	2,324	2,420	2,000
c. CJ Decisions and Appeals	135	143	75
Total	6,689	*****5,608	4,735

* Includes only Presumptive Date Record Reviews, Curfew Paroles and Pre-Hearing Reviews. House confinement reopenings are included in projections for 1990, 1991 and 1992.

** Includes Dispositional Revocation Hearings.

*** Includes Transfer Treaty Cases.

**** Includes D.C. Case Reviews for Concurring Signatures.

***** Workload figures for 1990 are actuals, which were unavailable when the appendix was printed.

Program Changes:

Parole	1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
	105	98	60	79	45	19
		\$10,831		\$9,786		-\$1,045

A net decrease of \$1,045,000, 45 positions and 19 workyears is requested due to the anticipated decrease in the number of hearings as a direct result of the enactment of the Sentencing Commission Guidelines which took effect on November 1, 1987.

The net decrease consists of the following net changes:

Outplacement Services: The increase of \$50,000 would provide funding for the Commission to contract for professional assistance to assist its employees in locating positions in 1992, while the Commission consolidates its Regional Offices.

Severance Pay: The \$100,000 is to cover severance costs associated with the Reduction-In-Force of approximately 10 employees. The Commission under current law is scheduled to be phased-down as of November 1, 1997. In the event employees are unable to locate positions prior to the consolidation of the Commission, this \$100,000 will allow for those employees to receive severance pay based on their years of service with the government.

Employee Relocations: The request of \$200,000 is to relocate professional staff from five to four Regional Offices. Relocations are necessary for the Commission to maintain uniform implementation of National Paroling policy and guidelines due to shifting workload as new institutions are opened, to fill vacancies with the best qualified staff in the areas most needed. In preparation for the phase-down of the Commission, the Commission voted to establish, ultimately, three Regional Offices; one in the east, one in the west and one in a central location.

Decreased Workload: A decrease of \$1,395,000, 45 positions and 19 workyears is requested due to the anticipated decrease in the number of hearings as a direct result of the implementation of the Sentencing Commission Guidelines which went into effect on November 1, 1987. This personnel decrease is a continuation of the Parole Commission's phase-down, which is expected to be completed by the end of 1997.

U.S. Parole Commission
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	Outplace Services Amount	Severance Costs Amount	Employee Relocations Amount	Decrease Work Load Pos. Amount	Total Pos. Amount
Grades					
EX Level V	3 - \$304	3 - \$304
GS-14	9 -472	9 -472
GS-13	2 -115	2 -115
GS-12	2 -97	2 -97
GS-11	2 -81	2 -81
GS-9	2 -51	2 -51
GS-7	14 -382	14 -382
GS-6	8 -189	8 -189
GS-4	3 -62	3 -62
Total Positions and Annual Rate	-45 -1,753	-45 -1,753
Lapse	26 795	26 795
Total Workyears and Personnel Compensation	-19 -958	-19 -958
Personnel Benefits	\$139	...	...
Benefits to Former Personnel	\$100	...	-144	-5
Travel and Transportation of Persons	16	...	100
Transportation of Things	45	...	5
Rents, Communications, and Utilities	-178	45
Printing and Reproduction	-42	-178
Other Services	\$50	...	...	-42	-42
Supplies and Materials	-20	8
Total Program Workyears and Obligations	50	100	200	-19 -1,395	-19 -1,045
Changes Requested, 1992					

U.S. Parole Commission
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1990 - 1992

Category	1990 Authorized	1991 Request	1992	
			Program Decreases	Total
Attorneys (905)	7	7	-3	4
Other Legal and Kindred (900-998)	6	4	-2	2
Social Sciences, Economics and Kindred (100-199)	65	55	-20	35
Gen. Admin. Clerical and Office Services (300-399)	57	38	-20	18
Accounting and Budget (500-599)	1	1	...	1
Total	136	105	-45	60
Washington	42	34	-8	26
U.S. Field	94	71	-37	34
Total	136	105	-45	60

U.S. Parole Commission

Salaries and Expenses

Justification of Adjustments to Base
(Dollars in Thousands)

Mandatory Increases:

	Amount
1. One Additional Compensable Day The annual salary rate for federal employees is based on 260 paid days. 1992 is one more compensable day (262) than 1991 (261). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$19,000 for pay and \$3,000 for benefits.	\$22
2. 1991 Pay Annualization This pay annualization represents first quarter amounts (October through December) of the 1991 4.1 percent pay increase effective in January of 1991 plus appropriate personnel benefits (\$36,000 pay and \$6,000 benefits).	42
3. 1992 Pay Raise This request provides for the proposed 4.2 percent pay raise to be effective in January of 1992. The amount requested, \$186,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$138,000 pay and \$28,000 benefits = \$186,000).	186
4. Annualization of Executive Level and Senior Executive Service Pay Increases This request of \$238,000 represents only the first quarter costs (October through December) of the Executive Level and Senior Executive Service proposed salary increases effective in January of 1991 (\$201,000 for pay and \$37,000 for benefits).	238
5. General Pay Reform Costs The request for costs covered by the Federal Employees Pay Comparability Act of 1990 established essential Departmental cost requirements for this new government-wide pay system, which attempts to achieve full pay parity between federal and non-federal employees on a geographic basis. This increase allows \$43,000 for fifty percent of the Department's request for two provisions contained under this Act: staffing differential costs for GS-5,7,9, occupying two grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide adjustments for new positions, appropriate benefits, vacancy rates and cost-of-living increases. No increases are requested for discretionary allowances.	43

- The remaining, unfunded fifty percent for this initiative will be required to be absorbed. Currently, however, no decisions have been made regarding base level funding cuts for this purpose.
6. Health Benefits \$26
 The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be sixty percent of the total rate commencing in 1975. Effective the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 16 percent due primarily to changes in enrollment plan since several plans are no longer available. The requested increase of \$26,000, or 60 percent, provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year.
7. Federal Insurance Contribution Act 4
 Beginning the first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated increased to \$51,300. In addition, the rate increased to 7.65 percent. Medicare rates remained at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. This increase of \$4,000 is computed based on these rate changes.
8. Travel: Mileage 17
 The Travel Expense Amendment Act of 1975, P.L. 94-22, authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$17,000 for this change in allowance.
9. Government Printing Office (GPO) and Department Printing 6
 GPO is currently projecting a six percent increase over the 1991 printing costs of \$107,000. An additional \$6,000 will be required in 1992 for printing done within GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.
10. Financial Operations and Systems Service (FOS) 84
 This request provides for the additional costs in 1992 for FOS and the Department's Financial Management Information System (FMIS) processing charges. A 7.5 percent increase is required for these charges. For 1991, no mandatory increase was requested. Personnel, benefits, space, printing, and data processing rates have all increased over time. Therefore, an increase of \$39,000 is requested for 1992. In addition, a redistribution of budget authority, based on actual costs, is necessary. The requested redistribution amount is \$45,000.
11. Security Investigations 2
 The Office of Personnel Management (OPM) has notified users of an 8 percent increase in the standard rate charged for each full-field investigation over the 1991 base cost of \$2,300. The mandatory increase is calculated on the separation rate of 21 persons for 1991 (based on 1990 actuals) for a total increase of \$2,000.

12. Security Reinvestigations	\$39
The security reinvestigation program has been receiving widespread attention due to the increase in espionage cases and the many situations where employees, who had been working in their jobs for a number of years, were discovered to be involved in various activities that were detrimental to the Nation's security. The OPM Federal Personnel Manual, Chapter 736, requires incumbents of certain positions to be reinvestigated, at a minimum, every 5 years. By 1992, the Department will require over 7,600 employees to be reinvestigated in each of the next 5 years to address the already existing backlog. An increase of \$39,000 will be required in 1992.	
13. General Services Administration (GSA) Rent	80
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the tremendous increase in rental charges, GSA has allowed an overall 15 percent increase. The Department's increase, in total, equates to this increase although the increase, by organization, varies based on the buildings the organization is actually occupying. The requested increase of \$80,000 provides for this actual increase over the expected 1991 billing level.	
Total Increases	789
<u>Nonrecurring Decreases:</u>	
1. Federal Employees Compensation Act (FECA) - Unemployment Compensation	-3
This decrease reflects billings provided by the Department of Labor for the actual costs in 1990 of employees' unemployment compensation. The 1992 amount represents a decrease of \$3,000 from the 1991 base.	
2. GSA Recurring Reimbursable Services	-6
Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in excess of normal working hours. GSA estimates that a 15 percent increase is needed for the Department, although increase (or decrease) amounts by organization vary based on anticipated actual billings. This request for a decrease of \$6,000 is based on the Departmental redistribution to meet these actual needs as well as the 15 percent increase over our projected 1991 base.	
Total Decreases	-9
Total Adjustments to Base	780

U.S. Parole Commission
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and Salary Ranges								
Executive level IV, \$108,300	1		1		1		...	
Executive level V, \$101,300	8		8		5		-3	
GS/GM-15, \$61,643-80,138	9		9		9		...	
GS/GM-14, \$52,406-68,129	27		22		13		-9	
GS/GM-13, \$44,348-57,650	8		6		4		-2	
GS-12, \$37,294-48,481	11		10		8		-2	
GS-11, \$31,116-40,449	5		5		3		-2	
GS-10, \$28,322-36,818	1		1		1		...	
GS-9, \$25,717-33,430	9		7		5		-2	
GS-8, \$23,284-30,268	3		3		3		...	
GS-7, \$21,023-27,332	24		16		2		-14	
GS-6, \$18,919-24,598	15		9		1		-8	
GS-5, \$16,973-22,067	10		3		3		...	
GS-4, \$15,171-19,725	5		5		2		-3	
Pay-raise for 1992	136	\$4,975	105	\$4,443	60	\$158	...	\$158
Total, appropriated positions .....	...	...	...	...	...	...	...	...
Pay above stated annual rates	-19	-536	-23	-587	3	-66	26	521
Lapses .....	...	...	...	...	...	...	...	...
Savings due to lower pay scales for part of the year .....	...	...	...	-237	...	...	...	237
Net full-time permanent	117	4,439	82	3,635	63	3,140	-19	-495
Other than permanent:								
Part-time permanent	2	24	2	24	2	24	...	...
Temporary employment	5	200	5	200	5	200	...	...
Other part-time and intermittent employment	8	605	9	663	9	663	...	...
Other personnel compensation:								
Overtime .....	...	7	...	10	...	10	...	...
Other compensation	1	38	...	20	...	20	...	...
Special personal services payments .....	...	37	...	18	...	18	...	...
Total, workyears and personnel compensation	133	5,350	98	4,570	79	4,075	-19	-495
Average GS/GM salary		(\$31,945)		(\$34,510)		(\$45,185)		
Average GS/GM grade		(10.13)		(10.35)		(10.87)		

U.S. Parole Commission
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

Object Class	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	117	\$4,439	82	\$3,635	63	\$3,140	-19	-\$495
11.3 Other than full-time permanent	15	829	16	887	16	887	...	...
11.5 Other personnel compensation .....	...	45	...	30	...	30	...	...
11.8 Special personnel services payments .....	...	37	...	18	...	18	...	...
Total, workyears and personnel compensation	132	5,350	98	4,570	79	4,075	-19	-495
Other Objects:								
12 Personnel benefits	808		870		960		90	
13 Benefits to former personnel	9		22		122		100	
21 Travel and transportation of persons	649		636		658		22	
22 Transportation of things	119		222		267		45	
23.1 GSA Rent	939		756		658		-98	
23.3 Communications, utilities and miscellaneous charges	614		807		801		-6	
24 Printing and reproduction	120		107		71		-36	
25 Other services	1,278		1,966		2,099		133	
26 Supplies and materials	225		81		61		-20	
31 Equipment	205		14		14		...	
Total obligations	10,316		10,051		9,786		-265	
Relation of obligations to outlays:								
Obligated balance, start-of-year	3,295		3,213		1,158			
Obligated balance, end-of-year	-3,213		-1,158		-553			
Adjustments in expired accounts	-612		...		...
Outlays	9,786		12,106		10,391			

Mr. EARLY. The committee is pleased to welcome once again the Chairman of the Parole Commission, Mr. Benjamin F. Baer.

Mr. Baer, you may proceed with a statement. I would like to also say, along with the Bureau of Prisons, in this Member's eyes, you have done an outstanding job, especially over the last few years with the adjustments that are happening with parole. The Parole Commission acts in the best interest of the taxpayers, prisoners and prisons. I am really delighted to see you back.

Mr. BAER. Thank you, Mr. Chairman.

I would like to introduce Keith Bratt, who is our brand-new budget officer. He has been with the Department of Justice for several years.

[The information follows:]

BIOGRAPHICAL INFORMATION OF KEITH F. BRATT

Keith F. Bratt was born in Bethesda, Maryland. He attended public schools in Maryland and received his undergraduate degree in accounting from Frostburg State University in 1983. After graduation, he began his tenure at the Department of Justice and was previously with the U.S. Trustee program. As the Budget Officer with the U.S. Parole Commission, he oversees the financial activities relating to the formulation and execution of the program's budget.

OPENING STATEMENT

Mr. BAER. Mr. Chairman and members of the committee, I am pleased to have the opportunity to appear before you in support of the 1992 budget request for the United States Parole Commission. The 1992 budget request is for \$9.786 million, 60 permanent positions and 79 workyears. This represents a net decrease of \$265,000, 45 positions, and 19 workyears from the 1991 appropriation enacted.

The decrease in funding is necessitated as a direct result of the enactment of the Comprehensive Crime Control Act of 1984 and the implementation of the sentencing guidelines which went into effect November 1, 1987. The Parole Commission's workload has already begun to diminish and will continue to do so. Therefore, a reduction in funding is being sought as a result of the decrease in workload.

As a part of the Comprehensive Crime Control Act of 1984, the United States Sentencing Commission was established to develop and issue comprehensive guidelines for the Federal judges for Federal defendants. As a result, the current Federal parole system is scheduled to be phased out.

The Sentencing Commission guidelines went into effect November 1, 1987, resulting in a decrease in the Parole Commission's workload. The abolishment of the Parole Commission was expected to occur November 1, 1992. However, the Judicial Improvements Act that Congress passed in 1990 extended that date to November 1, 1997. This extension was passed to avoid, for the time being, serious ex post facto and other issues which would have arisen if the "old law" offenders were deprived of parole consideration while still serving their prison terms.

This concludes my statement, Mr. Chairman, and I appreciate the opportunity to present the Parole Commission's budget request to the subcommittee.

[The written statement follows:]

U.S. DEPARTMENT OF JUSTICE
STATEMENT OF THE CHAIRMAN
U.S. PAROLE COMMISSION
BENJAMIN P. BAER
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1992 budget request for the United States Parole Commission.

The 1992 budget request is for \$9,786,000, 60 permanent positions and 79 workyears. This represents a net decrease of \$265,000, 45 positions and 19 workyears from the 1991 appropriation enacted. The decrease in funding is necessitated as a direct result of the enactment of the Comprehensive Crime Control Act of 1984 and the implementation of the Sentencing Commission guidelines on November 1, 1987.

The Parole Commission's workload has already begun to diminish and will continue to do so. Therefore, a reduction in funding is being sought as a result of the decrease in workload. As part of the Comprehensive Crime Control Act of 1984 (Public Law 98-493), the United States Sentencing Commission was established to develop and issue comprehensive guidelines for federal cases. As a result, the current federal parole system is scheduled to be phased out. The new Sentencing Guidelines went into effect on November 1, 1987, resulting in a decrease in the Parole Commission's workload. The abolishment of the Commission was expected to occur on November 1, 1992; however, the Judicial Improvements Act of 1990 extended that date to November 1, 1997. This extension was passed to avoid

serious ex post facto and other issues which would have arisen if "old law" offenders were deprived of parole consideration while still serving their prison terms.

This concludes my statement, Mr. Chairman. I appreciate this opportunity to present the Parole Commission's budget request to the subcommittee. I shall be pleased to answer any questions you or members of the subcommittee have.

EXTENSION OF THE LIFE OF THE COMMISSION

Mr. EARLY. Did your request for fiscal year 1992 take into account the extension of the life of the Commission, from November 1992 to November 1997, which was contained in the Judicial Improvement Act of 1990?

Mr. BAER. We did not know that law would be passed at the time we made our presentation. However, I had been working with the Department on the extension through a bill which would have created a successor agency. All of the attorneys in the Department and everybody else agreed that there had to be an extension. Therefore, the workload was the same under the simple extension or successor agency.

Mr. EARLY. But the budget request includes a program reduction of 45 position and \$1.045 million. Now this is a decrease of 45 positions from 1991 and 76 positions from the 1990 levels. Since the Commission is not scheduled to sunset until 1997, how will the Commission manage with the decrease in positions, and what impact will the reductions have on your ability to carry out your responsibilities?

Mr. BAER. Mr. Chairman, as I said, our workload has decreased. It decreased over a 3-year period by about 50 percent. Our request for full-time positions has been reduced by 65 percent. Notice we still have 79 workyears in the budget. The idea was that we would hire more analysts through reimbursable agreements with the Bureau of Prisons over the years. And when I started that back 3 or 4 years ago, it was to avoid the reductions-in-force that would have been necessary as we were beginning to phase down.

The OMB staff thought that was a very good idea and encouraged us to do so. OMB has been very supportive of this approach. However, there are only certain positions that we could use the reimbursables for, like analysts. We cannot use them for hearing examiners.

Mr. EARLY. What types of positions are being deleted in this budget?

Mr. BAER. There is a significant decrease across the board in support positions, including examiners and analysts. There are about 20 of what we call correctional treatment specialists, and 26 in general administration. But we cannot afford to have less hearing examiners than we have at the present time and continue to perform the tasks that we are mandated by law to do.

Mr. EARLY. Can these positions really be deleted, or does the Commission still need to maintain a higher level than the actual 60 positions proposed in the budget?

Mr. BAER. As I mentioned, it is recognized that—I mean the workyears that are allotted are generally lower than the positions. Now this is just the reverse. I think that it was recognized that we did not know whether we could do this, because we have a big drop in fiscal year 1992 because of positions. And if we had the essential, a lot more reimbursables from Bureau of Prisons, then we could manage it.

That is the theory behind this budget request.

REALIGNMENT—PHASE DOWN EFFORT

Mr. EARLY. In the past, there was a waiting period, and we could not get people to hearings. You could argue or discuss that you are doing it adequately, but now, with these reductions, I do not know how you can keep the quality of the Commission anywhere near what it has been, even though your workload has been reduced.

I heard what Mr. Quinlan was just saying. What is the status of the Commission's realignment, the phase-down effort?

Mr. BAER. The phase down of the regions?

Mr. EARLY. Yes.

Mr. BAER. We are in the process of phasing down the Atlanta and Philadelphia regions and creating an eastern region, co-located with our headquarters here in the Washington area. We feel that this will be very cost effective. We did not include that in the opening statement because there are committees in Congress that we have not yet officially notified.

Mr. EARLY. I do not know how you are going to phase that down and say that we are not short-changing the northeast when you do that. Are you just going to have it run out of Washington?

Mr. BAER. We will continue to conduct hearings at all institutions in the northeast as we have in the past.

Mr. EARLY. How much is included in this budget request for the cost associated with the realignment?

Mr. BAER. I beg your pardon?

Mr. EARLY. How much is in this budget request that are costs associated with the realignment?

Mr. BAER. When we prepared this budget we expected that this realignment that I mentioned in the northeast and southeast to occur during fiscal year 1992. But because we identified some temporary savings, we started the process during this fiscal year. And we hope to accomplish it during this fiscal year, actually, in the last quarter of the fiscal year.

But the money that we have requested is still needed because we will continue phasing down in the other regions during fiscal year 1992.

Mr. EARLY. But what is the specific amount in the budget request for costs associated with the realignment?

Mr. BAER. We have requested \$50,000 for outplacement services, \$100,000 for severance pay, \$200,000 for employee relocations, which was somewhat less than what we had requested from OMB for those purposes.

Mr. EARLY. It would seem to be that even with realignment, the Commission still has the same responsibilities to carry out. And while overhead costs might decrease, other costs, such as travel, could increase.

Mr. BAER. That is correct. The percent of time spent holding these hearings will increase because 3 years ago the Bureau of Prisons had 49 institutions. Next year they are going to have about 73 institutions. And we have to go to all of those institutions, even though the number of hearings in each one has been diminished.

Mr. EARLY. Then how are you going to manage on less travel money?

Mr. BAER. We have requested \$658,000 for travel. It includes a small increase.

Mr. EARLY. But relative to the need?

Mr. BAER. We will not have to stay as long at the institutions that we have to go to.

COMMISSIONER VACANCIES

Mr. EARLY. Do not you have some vacancies in the Commission?

Mr. BAER. Commissioners?

Mr. EARLY. Yes, sir.

Mr. BAER. Yes, sir.

Mr. EARLY. So some of the people covering them, will they not have to go further?

Mr. BAER. At the present time we do not have commissioners in the northeast or the southeast regions, which is one of the reasons we chose first to bring those here into the eastern region, and that would reduce the traveling that is now required by those commissioners.

Mr. EARLY. Commissioner, do you have a backlog of pending cases in 1991?

Mr. BAER. The hearings are up to date.

Mr. EARLY. They are up to date?

Mr. BAER. Yes, sir.

Mr. EARLY. Over the past few years there has been an increase in the number of Federal correctional institutes and facilities, as you said. What impact is this having on the Commission, again, in view of the realignment?

Mr. BAER. Mr. Chairman, that increase is the number of places we have to go to. It takes more examiner time to get there and back, in addition to doing the hearings that they have to do. Also the time to do the hearings has increased due to the more complex nature of cases.

INTENSIVE SUPERVISION PROGRAM

Mr. EARLY. One of the programs that I was always impressed with, Mr. Baer, was the Hyattsville project. Now the 1991 bill included funds for the continuation of the Hyattsville project. Bring us up to date on the status of that project.

Mr. BAER. I agree with you, Mr. Chairman, that is we think a very successful project that we initiated about 2.5 years ago. I appreciate the Congress including that in the 1991 budget. However, at the time we prepared the budget for 1992, that had not been done, and so it was not in the base. I think that is important because, as was indicated earlier in the hearing, all of these people are going to be released.

Mr. EARLY. Have any evaluations of the project been conducted?

Mr. BAER. We have contracted with a private agency. If you contract with a private agency, that seems to have more validity, and we anticipate receiving that report very soon. I will be pleased to send you the report.

Mr. EARLY. Yes, please send it up to the committee as soon as you get it.

Mr. BAER. I can tell you they are very pleased with it and they feel it should be replicated in other districts.

Mr. EARLY. How big a report is it, do you know?

Mr. BAER. It is relatively small.

Mr. EARLY. Why do not you include it in the record, please?
[The information follows:]

Executive Summary
An Evaluation of the Intensive Supervision Project —
Hyattsville, Maryland

BY
Lindsay M. Hayes, James T. Sprowls and Marsha Weissman
National Center on Institutions and Alternatives
February 1991

Introduction

Initiated in June 1988, ISP Hyattsville utilizes two probation officers to provide intensive surveillance and support services to approximately 30 high-risk parolees. The project is a collaborative effort of the Parole Commission and United States Probation Office for the District of Maryland. The purpose of NCIA's evaluation was to assess the performance and goal achievement of ISP-Hyattsville during the past two years. The evaluation was designed to provide Parole Commission and Probation Office officials with information useful to decision-making regarding project continuation, expansion, refinement, and allocation of resources.

Literature Review

There is general agreement in the literature that ISP is intended to be a correctional option allowing for safe community supervision of offenders who might otherwise be incarcerated. Target populations, eligibility requirements and service delivery methods differ from program to program. Caution should be exercised in viewing ISP as providing an alternative to incarceration since eligibility requirements of many programs exclude many of the offenders currently found in the nation's prison systems.

While the research with regard to program effectiveness is not extensive, findings generally suggest that ISP is effective in preventing recidivism and, therefore, does not compromise public safety. ISP participants generally have low rates of conviction for new crimes and lower rates of conviction for new offenses of a serious or violent nature. The research also suggests, however, that ISP may not prevent reincarceration. Rates of return to prison are comparable between ISP participants and regular probationers or parolees due to a high rate of violation and revocation for technical reasons.

Finally, the research has focused largely on probation-based programs, and thus the findings may not necessarily be applicable to the parole population. Intensive supervision for

parolees will almost inevitably target a "higher risk" population, i.e., offenders not eligible for probation.

Program Description

To be eligible for ISP-Hyattsville, parolees had to have a Salient Factor Score (SFS) of 7 or less and live in one of the five counties in proximity to the Hyattsville office. Parolees were released from prison under normal procedures (absent an advancement in release date), and had no prior knowledge that they were entering the program. The program was designed to allow two staff to intensively supervise up to 30 parolees at a time. All program participants were assigned to the project by the Supervising Probation Officer in Hyattsville.

Although ISP-Hyattsville parolees are not subject to any additional requirements beyond the federal Conditions of Release (Section 2.40 of the Commission's *Rules and Procedure Manual*), their level of supervision is greatly increased with an average of 18 contacts by project staff per month. Supervision requirements of ISP participants are determined on a case-by-case basis by project staff. For example, some parolees require more than once a week personal contact, while others are allowed letter or telephone verification of employment in lieu of personal contact with employer by project staff. Although urinalysis is not mandatory, it is utilized in the vast majority of cases.

In addition to surveillance, project staff provide various support services to parolees. A teamwork approach is utilized. While one officer spends the majority of time in the field — with parolees at their homes and/or job sites, and with staff of social service agencies; the second officer performs most of the required administrative duties — filing written reports, fielding telephone calls, and handling most of the correspondence with the Parole Commission.

Staff Perceptions

All ISP staff interviewed felt the project was successful enough to recommend continuation and possible expansion to other federal districts. There was general concern, however, regarding whether the model would be preserved without major adjustments. All staff felt that the "team approach" was critical to the project as was maintaining the caseload at 30 clients. One staffmember suggested the need for better communication between BOP case managers and ISP staff regarding a parolees' "viable" release plan. Another suggested that more community resources were needed and specifically cited an inadequate number of beds for community corrections centers, intermediate drug and alcohol aftercare, and quality outpatient drug counseling. Several staff commented that not all of the ISP clients needed 12

months of intensive supervision and recommended that the current minimum requirement for length of stay be revised to allow for decisions to be made on a case-by-case basis.

ISP Client Perception

Thirteen active ISP clients agreed to be interviewed and gave the program the following grades: 2 — Excellent; 4 — Very good; 3 — Fair; 3 — Not Very Good; and 1 — Poor. Parolee recommendations for program improvement focused on three areas — employment, transportation, and other support services. Parolees suggested that ISP staff find alternative methods of verifying jobs, and several voiced concern that staff visits jeopardized their employment or suggested to employers that parolees were so desperate to keep their jobs that different work standards might be applied. Several parolees complained that the geographic location of the Hyattsville office to their residences was unusually burdensome, particularly those that were dependent on public transportation. Several parolees observed that there was too much emphasis placed on surveillance and that more staff energy should be directed toward housing and employment assistance, vocational training, and social and mental health services.

Data Analysis

An attempt was made to assess initial program "outcome" results by comparing the status of ISP clients with a comparison group of parolees who received traditional parole services in the Hyattsville office. ISP clients assigned to the program prior to October 31, 1989 and comparison group clients paroled between July 1, 1988 and October 31, 1989 were selected to establish a minimum 12 month timeframe for the assessment.

In addition to "outcome" which was defined as either continued parole supervision or revocation at 12 months after parole, data was recorded for sex, race, date of birth, marital status, education, major offense, secondary offense, sentence date, (most recent) parole date, sentence length, prior convictions, prior commitments, prior revocations, and SFS. The specific new offenses or reasons for technical violation which led to revocation were also recorded. Data was collected primarily from the Report of Federal Sentence (3W) and was supplemented and/or verified as needed from other materials contained in the parole file.

There are a number of conditions which the report authors believe severely limits the confidence with which the data can be interpreted. These limitations include: small sample size, short timeframe, inaccurate/incomplete data, and ambiguity of "outcome" at 12 months.

A comparison of the ISP and comparison groups on a number of social demographic and criminal history variables revealed only modest differences between the groups on most variables. The ISP group had a slightly higher percentage of males and Blacks, had a slightly higher percentage of subjects with "no high school," and had a dramatically higher percentage of subjects with some college. The comparison group had a higher percentage of subjects sentenced for drug offenses. The ISP group had a higher percentage of subjects with both shorter (0-60 months) and longer (241 months or more) sentences. The comparison group had more subjects with higher numbers of prior convictions and prior commitments. The distribution of SFS scores for the two groups were very similar.

In balance, the authors conclude that the comparison group is sufficiently matched with the ISP group on the variables examined to permit comparison of outcomes as if the comparison group were a validly constructed control group. The similarity of the two groups is also sufficient to dispel concerns that clients with certain characteristics were either steered to or steered away from the ISP program at assignment.

The ISP group experienced a higher revocation rate than did the comparison group and this higher rate is the exclusive result of higher rates of revocation for technical violations. However, the new offenses for the ISP group were less severe than were those of the comparison group, the ISP group experienced fewer multiple offenses, and (although data was collected and analyzed for only the first 12 months after release) ISP subjects had no revocations after transfer to regular supervision (i.e., after 12 months) whereas records reviewed indicate a number of new offenses and technical violations after the 12 months for comparison group subjects.

Major differences in revocation rates were observed when the data was analyzed by prior convictions, prior commitments, and Salient Factor Score. Differences were observed between groups, within the ISP group, but not within the comparison group. Because prior convictions, prior commitments and SFS are all measures of criminal history and because they are overlapping and not discrete variables, they are considered together.

Both commonsense and prior research suggests that revocation rates will increase as number of prior convictions and number of prior commitments increase and as SFS decrease. This expected result was obtained dramatically within the ISP group; perhaps to a greater extent than would have been anticipated. For the ISP group only 21.7% of subjects with 0-1 prior commitments were revoked but 87.1% of subjects with 2 or more prior commitments were

revoked, and only 29.4% of subjects with SFS of 5-7 were revoked but 84.6% of subjects with SFS of 0-2 were revoked.

While greater than expected differences in revocation rates on these variables were observed in the ISP group, the variation was much less than expected in the comparison group. Comparison group subjects with 0-1 prior commitments were revoked at the surprisingly high rate of 50% while subjects with 2 or more prior commitments were only revoked at a rate of 40.7%. Subjects with SFS of 5-7 (good risk) were revoked at a rate of 42.9% and subjects with SFS of 0-2 (poor risk) were revoked at a rate of 50%.

If "success" were defined as a low rate of revocation, it does appear that the ISP program was considerably more "successful" than regular parole supervision for low-risk subjects (continued on supervision for 73.3% for subjects with 0-1 prior commitments compared to 50% for the comparison group and 70.6% for subjects with SFS of 5-7 compared to 57.1% for the comparison group). There are obvious problems, however, in suggesting that the considerable resources required for the ISP program should be targeted to only low-risk parolees (or that low-risk subjects "deserve" more aggressive levels of supervision).

If "success" were defined in surveillance/crime control terms, the higher rates of revocation of ISP subjects would appear to be acceptable had the number and/or severity of new offenses been reduced. However, data reported here show new offenses being committed at almost exactly the same rate by ISP and comparison group subjects.

Summary and Recommendations

The authors would encourage the continuation and replication of the Hyattsville Intensive Supervision Project. The overall program is well designed and the process is efficient. Although data indicates that ISP participants had a higher rate of revocation than the comparison group, this is consistent with the formally stated goals of the project and is viewed by the Parole Commission as a success since it provides for better public protection through early intervention. The new criminal offenses committed by the ISP participant were less severe and were not multiple offenses. In addition, ISP participants remained crime free after 12 months but comparison group members did not.

The authors had initial reservations regarding the possibility of enhancing both the surveillance/law enforcement and the supervision/assistance functions of parole simultaneously. This difficult integration appears to have been achieved with considerable

success in this project. The surveillance function provides better public protection by early intervention insuring that inappropriate behavior is detected early before progressing in seriousness; the supervision function aides the offender's reintegration into the community by providing employment, mental health, counseling, and related "treatment" services. The team approach and the reduced caseload allows officers the time for the individual attention necessary to achieve maximum results.

The following recommendations are offered:

That increased emphasis be placed on job development and placement by adding a "community resource person" to ISP-Hyattsville. The community resource person (either a volunteer or paid staff) would not have supervision responsibilities but would work exclusively in the placement of offenders in employment, training and educational settings. (This Parole Commission sponsored ISP has since been replicated in the Northern District of Ohio where a community resource person is being utilized with considerable apparent success)

That the implementation of a policy that allows for a graduated schedule of intermediate sanctions to be utilized prior to a revocation decision based on technical violations be considered. Other ISPs utilize intermediate sanctions for offenders who violate technical conditions of parole (examples include 48-hour detention in a CSC, electronic monitoring, house arrest, and a stricter form or longer term of supervision) By incorporating intermediate sanctions, ISP-Hyattsville staff would retain full discretion regarding revocation while exercising more flexibility in supervising the high-risk parolee. (A Task Force to study the use of intermediate sanctions in lieu of prison has recently been formed by the Parole Commission to address this issue and could be used as a basis for the suggested modifications)

That an early release mechanism for some ISP participants be considered, a mechanism that would be available to those offenders who have maintained superior institutional records during their incarceration. An added benefit to this option is that certain offenders in the program will know of their ISP assignment prior to release from the Bureau of Prisons thus alleviating the anxiety and distrust normally incurred when a parolee begins the program

That the "unwritten" requirement that parolees remain in ISP-Hyattsville for a 12-month minimum be dropped and a six-month review process for all parolees be instituted. Such a policy would allow case-by-case decisions for termination and continuation of ISP services

(This practice is also utilized in the Northern Ohio replication project without any apparent sacrifice to public safety.)

That future replications of the federal ISP utilize the team approach. The team approach permits increased consultation and efficient division of labor resulting in interventions on difficult cases which are more individualized, more creative, and more timely. It permits a specialization — where appropriate — in the surveillance and the assistance/supervision functions in those situations in which the client may perceive a conflict between the two. It also appears to increase total time in the field.

Finally, the success of any future ISP program will be based upon the dedication of its staff. ISP-Hyattsville was blessed with staff (both past and present) who displayed high energy and commitment levels in the program. Such commitment should not only be applauded but encouraged. Most importantly, it should be a prerequisite to any future intensive supervision program.

1992 FUNDING REQUEST

Mr. EARLY. Are funds included in your request for this project?

Mr. BAER. Funds were not included in the 1992 budget.

Mr. EARLY. Did you request money for it from OMB?

Mr. BAER. We did not request it because at the time we appeared before OMB it was not ready—although it was requested in the 1991 budget. Congress added it in the current bill for the Courts but it was not until November.

Mr. EARLY. So you have no money in 1992 for it?

Mr. BAER. It is not in our 1992 base but, Congress has ordered the Probation Division to reimburse us. And that is in process, but it is not in our 1992 budget as of now.

Mr. EARLY. Did you request money of OMB for it when you submitted your budget?

Mr. BAER. Not in the 1992 budget.

Mr. EARLY. In your request?

Mr. BAER. Not in the 1992 budget, no, sir.

SUPERVISED MONITORING

Mr. EARLY. The 1991 bill also includes funds for supervised monitoring. What is the status of this project and how is it working?

Mr. BAER. Again, that was deleted at the time we made the request. In 1991 Congress added it late in the session. And so it is in the 1991 budget. But we are in the process of selecting and training the people to do the monitoring. They are being trained this week in Washington. I think this is a very important function because, as you know, the agents out there are hired by another branch of government. And this will give us an opportunity to see how well that works.

Mr. EARLY. Did you request funds to continue this activity?

Mr. BAER. We requested it in the 1991 budget.

Mr. EARLY. But there is no money in this budget for it?

Mr. BAER. No, because it did not get in until after we appeared before OMB for the 1992 budget. You see that occurs in September. It did not get in until October of this year for the fiscal year 1991.

Mr. EARLY. How much would you need for us to fund in 1992 to continue this supervised monitoring?

Mr. BAER. We would have in there somewhere between \$80,000 and \$85,000.

Mr. EARLY. Do you think it is well spent money?

Mr. BAER. I think so, yes, sir.

[The information follows:]

SUPERVISION MONITORING

No additional funding was requested for this program in 1992. The \$82,000 provided by Congress in 1991 was retained in the base and will allow sufficient funds for the supervision monitoring program.

ELECTRONIC MONITORING

Mr. EARLY. And what is the status of the electronic monitoring program?

Mr. BAER. I noticed you asked that question of Mr. Quinlan and, as you know, we started a pilot project with three agencies, the

Bureau of Prisons, the Probation Division and us at our instigation. And it was mostly considered to be successful so that it was expanded. It is being expanded this fiscal year, since October, to 12 additional districts for a total of 14. And the Probation Service has the funds to expand it nationwide, hopefully, by the end of this year.

Mr. EARLY. You heard Mr. Quinlan say it was pretty cost effective. Do you agree with that?

Mr. BAER. Very definitely. It is less than half of what it costs for a prisoner in a halfway house. Also, as he said, we think it is more successful. Some people think that electronic monitoring saves a lot of staff time. But actually it is what I call work intensive, which is the good part about it. Because it forces the contact between the parolee and the parole agent, which is desirable.

ORIGINAL BUDGET REQUEST

Mr. EARLY. What was your original budget request of the Department of Justice? And what was the Department of Justice request to OMB?

Mr. BAER. The total amount requested was \$12.022 million.

Mr. EARLY. I want to know what was the Department's request to OMB.

Mr. BAER. We requested—do you want it in detail broken out?

Mr. EARLY. No, I want just the numbers. What was the original request from the Commission to the Department of Justice? And what did the Department of Justice request of OMB?

Mr. BAER. Our total request to OMB? Well, you see we do not have to go through the Department for our budget. We go directly to OMB. So, if I may say so, when Congress passed that law, that was with great wisdom.

FUNDING FOR EMPLOYEES LOANED BY PRISONS

Mr. EARLY. Did the budget request include both permanent positions and reimbursable positions which you spoke of? What is the difference between permanent positions and reimbursable positions? Are they used in different ways?

Mr. BAER. The permanent positions are our Civil Service employees. The reimbursables belong to the Bureau of Prisons, and they are on loan to us for, say, a year.

Mr. EARLY. So they do not pay them?

Mr. BAER. We reimburse the bureau, but they remain Bureau of Prisons employees.

Mr. EARLY. Who do they get a paycheck from?

Mr. BAER. They get a paycheck from the Bureau of Prisons, but we reimburse the Bureau of Prisons for their costs. But their paycheck continues to come from the Bureau of Prisons, so they are their employees, and it is a temporary period of time.

PAY REFORM

Mr. EARLY. Have you sufficient funds in the 1992 budget request to cover a full year of costs of the 1991 pay raises? Are you being required to absorb a portion of this?

Mr. BAER. We are required to absorb a part of it.

Mr. EARLY. How much?

Mr. BAER. Fifty percent on locality-based pay. We have no reimbursement on the law enforcement paid employees, nor for the employees that we anticipate will be in the D.C. area. There were no funds provided for that.

Mr. EARLY. To what extent is the Commission affected by the pay reform legislation enacted last year? Did it affect it at all? And why do not you just provide that for the record if you will?

[The information follows:]

PAY REFORM

The 1992 budget does not include funds for the following items:

Three of our western regional employees and 13 of our employees located in the Washington area are eligible for the Federal Law Enforcement Pay Reform Act of 1990. No funds were provided for this expense and \$70,000 will be required.

The funds provided for the 1992 pay reform act will force us to absorb 50% of the anticipated pay requirements.

ABILITY TO CARRY OUT MANDATE

Mr. EARLY. Mr. Baer, in your professional opinion, do you believe you will be able to carry out your mandate with staffing levels proposed in the 1992 budget as efficiently as it has been in the past?

Mr. BAER. Well, Mr. Chairman, we always will do our best to be as efficient as we can with the resources that we have.

Mr. EARLY. Mr. Baer, as I said at the outset, I really think your agency has been an outstanding agency. And I think the suggested abolishment was a mistake, but it has happened, and we have to implement it as best we can. But I want to thank you for your testimony. With that, we will adjourn.

We have several questions we would ask you to respond to for the record.

[The questions and answers thereto follow:]

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

U.S. Parole Commission

QUESTION: Is the amount included in the budget request for costs associated with realignment sufficient?

ANSWER: At the current time, it appears that sufficient funds have been provided to continue the realignment and phase down of the Commission.

QUESTION: Did you request funds to continue this activity and if so, what was the amount of your request? Why is it important to continue this activity?

ANSWER: The 1992 budget contains 2 positions and \$82,000 to perform this activity. The primary objectives of supervision are to enforce compliance with the conditions of release, to minimize risk to the public and to reintegrate the offender into a law abiding lifestyle. In order for the above objectives to be accomplished and allow the U.S. Parole Commission to carry out its statutory obligations, it is important for the supervision monitoring project to continue.

QUESTION: What was your original budget request to the Department of Justice, and what was the Department's request to the Office of Management and Budget (OMB)? Of your original request, what was disallowed?

ANSWER: The U.S. Parole Commission does not submit a budget request to the Attorney General. The legislation that created the Commission bypassed this requirement. The Commission is only attached to the Department for administrative purposes. The Commission is required to submit its initial budget directly to OMB.

Our request to OMB was for 80 permanent positions. This was reduced to 60 positions in the request presented to Congress. Adequate staffing is essential to carry out all of the U.S. Parole Commission's statutory mandated responsibilities. The request submitted to OMB included a reduction of 23 positions associated with the phase down. The budget request to Congress proposes a reduction of 45 positions. As mentioned previously, our workload has decreased by 50 percent over the past three years. If the proposed reduction is enacted, it would reduce our positions over the same three-year period by 63 percent.

QUESTION: The budget request includes both permanent positions and reimbursable positions. What is the difference between permanent positions and reimbursable positions? Are they used in different ways?

ANSWER: The reimbursable positions are part of a program that was initiated with the Bureau of Prisons several years ago. They are Bureau of Prisons employees, remain on their rolls, and are reimbursed by the U.S. Parole Commission. These employees are limited to case analysts in our program.

The reimbursable arrangement has been very beneficial to both agencies. The Bureau employees normally remain with our program for a year.

QUESTION: Have sufficient funds been included in your 1992 request to cover the full year cost of the 1991 pay raises, or are you being required to absorb a portion of this cost in 1992?

ANSWER: We were required to absorb 50 percent of the first-year cost of the 1991 pay raise. Effective with this budget request and for the future, the prior year's full-year pay costs in the budget year will be treated as a program increase. The 1992 request for the remaining 50 percent of the 1991 pay cost was denied.

QUESTION: To what extent is the Commission affected by the pay reform legislation enacted last year?

ANSWER: The budget included only 50 percent (\$43,000) of required funding for locality pay and staffing differential under the general pay reform act. No funds were provided for law enforcement pay reform costs. For both the general and law enforcement pay reform legislation, \$70,000 will be required.

MONDAY, MARCH 18, 1991.

IMMIGRATION AND NATURALIZATION SERVICE

WITNESSES

GENE McNARY, COMMISSIONER

THOMAS N. PERRELLI, COMPTROLLER

DONALD R. MUELLER, BUDGET DIRECTOR

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. EARLY. The Committee will come to order.

Continuing with our review of the Department of Justice, we will now hear the testimony from the Immigration and Naturalization Service, which requests an appropriation of \$1,008,026,000 in fiscal year 1992. We will insert in the record at this point the INS fiscal year 1992 budget justifications.

{The information follows:}

Department of Justice
Immigration and Naturalization Service
Estimates for Fiscal Year 1992
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APPROVED *Edward Meese III* DATE *11 Jan 81*
ATTORNEY GENERAL

**Immigration and Naturalization Service
Salaries and Expenses
Summary Statement
Fiscal Year 1992**

The Immigration and Naturalization Service (INS) is requesting, for 1992, a total of \$1,009,026,000; 12,956 permanent positions; and 12,492 workyears. This request represents an increase of 733 positions, 492 workyears and \$121,389,000 over the 1991 appropriation of 12,221 positions, 12,000 workyears and \$886,637,000 including program increases of 734 positions, 368 workyears and \$68,516,000. INS is also requesting 136 positions, 131 workyears, and \$11,463,000 as part of the 1992 Consolidated Organized Crime Drug Enforcement (OCDE) budget request, that includes a net increase of 11 positions, 6 workyears, and \$931,000. OCDE resources are contained in the Department of Justice Interagency Law Enforcement Appropriation and will be allocated to INS on a reimbursable basis.

The increases requested in this budget will enable INS to address severely needed law enforcement, detention, and support infrastructure needs of the Service. The increases are categorized into four priority areas: (1) border control, (2) realignment of enforcement staffing, (3) criminal alien management, and (4) material weaknesses and other management improvements.

Border Control

Total resources of 140 positions, 70 workyears, and \$12,750,000 are requested to enhance the Service's ability to control legal and illegal immigration at the border.

Land border port of entry along our Northern and Southern borders, the control of daily migration across the nation's borders has become a time consuming, tiresome and exhausting experience. In fiscal year 1990, fewer than 1,500 Immigration Inspectors were responsible for inspecting the over 400,000 persons who crossed through our land border ports. Since 1984 the land border inspections workload has increased by over 34 percent, while staffing at these border ports has increased by only 4 percent. This budget proposal requests an additional 135 Immigration Inspector positions, 67 workyears and \$5,973,000 for the Inspections program to keep pace with workload increases.

In addition, an increase of 5 positions, 3 workyears and \$3,177,000 is required for expansion of the Computer Assisted Dispatch and Reporting Enhancement (CADRE) system, to provide the Border Patrol with the capability to analyze intrusion detection sensor input and assist with radio dispatch operations. Also requested is a total of \$3,600,000 to complete construction of the Border Patrol station in Brownfield, California and to construct a new station in Laredo, Texas.

Realignment of Enforcement Staff

Total resources of 150 positions, 75 workyears and \$7,228,000 are requested to initiate the first phase of a complete reevaluation and reconfiguration of INS enforcement operations in interior locations. As a result, Border Patrol Agents from interior locations will be transferred to the Southern border and replaced with Investigators. Because Border Patrol Agents are currently performing investigative workload, such as employer sanctions and criminal alien casework, the departure of the agents from the interior offices will create a void in manpower dedicated to these investigative functions which cannot be addressed by existing investigations resources. The requested resources will provide a continuation of enforcement and employer sanctions coverage in these areas.

Criminal Alien Management

Total program increases of 432 positions, 216 workyears and \$46,186,000 are requested to augment the Service's ability to identify, locate, apprehend, detain and remove criminal aliens. The resources requested for the Detention and Deportation program in this budget are based upon coordination between INS, the Bureau of Prisons (BOP) and the U.S. Marshall Service. The INS portion of this plan requires the addition of 328 positions, 164 workyears and \$36,312,000. Of this increase, 278 positions will be distributed among Service Processing Centers (SPC). Adequate staffing with a proper balance of supervisory personnel, detention officers, deportation officers, docket clerks, cooks, medical personnel, maintenance workers, mechanics, and transportation officers is required for the safe and efficient operation of these facilities. Additionally, 50 positions are for the staffing and operation of a joint 1,000 bed INS/BOP contract facility for criminal alien near San Diego. These positions will be used for immigration support functions which cannot be performed by contract personnel. The Construction and Engineering portion of this budget request includes \$3,497,000 in funding for construction of a recreation facility and renovation and expansion of the processing center/medical clinic/dining hall at the El Centro, California Service Processing Center. Construction of these facilities is essential to safely accommodate the 220 bed expansion of the Center that was funded in 1990 with 1989 Assets Forfeiture Fund resources.

Additional resources of \$450,000 are requested for the Data and Communications program to upgrade the Deportable Alien Control System (DAC9), which is a system that automates many of the clerical functions in support of the arrest, detention and deportation of illegal aliens. The \$750,000 requested for the Administrative Services program will be used to purchase 32 new vans to support the transportation of detainees.

An increase of 44 positions, 22 workyears and \$2,294,000 is needed for the Investigations program to establish and operate a National Enforcement Operations Center. The Center will be staffed by specially trained communications operators, special agents with substantial field experience, and other officer corps members to provide a balance of expertise in all operational program areas. At present INS is unable to respond adequately and appropriately to inquiries from other law enforcement agencies encountering aliens involved in criminal conduct. Congressional concern over this major aspect of the overall criminal alien problem resulted in provisions in the Anti-Drug Abuse Acts of 1986 and 1988 which directed the Service to improve its ability to respond to other Federal, State and local law enforcement agencies' inquiries on a 24-hour basis. The National Enforcement Operations Center will, for the first time, provide a centralized and coordinated response capability to handle inquiries concerning criminal aliens from our own agents and law enforcement officers from other criminal justice agencies.

An increase of 60 positions, 30 workyears and \$2,883,000 is requested for the Legal Proceedings Program to support the increases in Immigration Judges authorized in the Immigration Act of 1990 and requested for the Executive Office of Immigration Review, to expeditiously report and remove criminal aliens.

Material Weaknesses And Other Management Improvements

Total program increases of 12 positions, 7 workyears and \$2,354,000 are requested to address those areas of activity, in which critical deficiencies have been identified, resulting in material weaknesses in program areas.

In support of the Administration's management priorities for the 1992 Budget, additional funding of \$1,417,000 is requested for migration from the INS accounting system to the Department's Financial Management Information System (FMIS). Migration to the Department's accounting system will also address material weaknesses identified with the current accounting system. In addition, 6 positions, 3 workyears and \$208,000 are requested to support the Assets Forfeiture program in INS. Also, an increase of 5 positions, 3 workyears and \$205,000 is requested to address identified weaknesses in the area of security, and 1 position, 1 workyear and \$524,000 is requested to provide support for transition to the Department of Agriculture Payroll Personnel System.

Immigration and Naturalization Service
Salaries and expenses
Justification of Proposed Changes in Appropriation Language

The 1991 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed [504] ^ for replacement only) without regard to the general purchase price limitation for the current fiscal year, and 415
 hite of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; (\$884,000,000), ^ of which not to exceed \$400,000 for research and [\$17,188,000] ^ \$1,009,026,000
 for construction shall remain available until expended; provided, that none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000: Provided further, that uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, that not to exceed \$5,000 shall be available for official reception and representation expenses.

Explanation of changes

1. The first change reducing the limitation on the purchase of passenger vehicles will accommodate the Service's replacement needs.
2. The second change will allow the Service to use an additional \$17,097,000 appropriated for construction on a no-year basis.

Immigration and Naturalization Service
Salaries and Expenses
Summary of Estimates by Division
(October to September)

Estimates by Program	1990 in thousands			1990 Actual			1991 Appropriation			1991 3-Year			1991 Estimate			1991 Projection		
	Pos	En	WT	Pos	En	WT	Pos	En	WT	Pos	En	WT	Pos	En	WT	Pos	En	WT
Administration																		
Executive	1,851	1,231	579,318	1,865	1,295	574,021	1,833	1,409	577,536	1,833	1,409	582,397	1,148	1,216	598,489	135	67	5,931
Administrative	4,831	3,546	242,461	4,848	4,298	241,729	4,866	4,332	247,566	4,866	4,332	248,971	4,962	4,417	246,971	196	97	9,322
Immigration	1,823	1,279	984,771	1,836	1,348	984,481	1,825	1,336	983,936	1,824	1,325	986,995	1,816	1,322	986,117	196	97	9,322
Asst. Secretary	332	331	19,861	333	365	19,645	333	313	21,143	333	313	22,727	336	316	22,933	6	3	288
Operations and Inspection	1,237	1,279	111,116	1,334	1,416	119,735	1,310	1,320	136,518	1,310	1,320	137,236	1,038	1,064	135,888	328	164	16,112
Employee and Labor Relations	31	30	3,889	31	35	4,613	30	32	4,829	30	32	5,009	30	32	5,009	—	—	—
Subtotal	9,716	9,377	6,118,817	9,666	9,063	5,968,712	9,519	9,467	6,453,579	9,518	9,318	6,491,687	10,181	9,867	7,421,687	643	331	37,615
Consolidated and Related																		
Admission and Naturalization	125	128	13,812	125	132	14,513	—	—	—	—	—	—	—	—	—	—	—	—
Refugee and Overseas	189	178	11,817	189	181	14,113	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal																		
Immigration Support																		
Training	101	96	10,756	106	99	12,331	106	100	10,962	106	100	11,232	106	100	11,232	—	—	—
Direct and Communications Systems	221	206	59,146	221	176	54,233	176	167	64,816	176	167	67,238	176	167	67,238	5	3	5,044
Information and Records Management	1,067	1,197	51,249	1,067	1,157	50,533	1,066	1,095	52,363	1,066	1,095	53,763	1,066	1,095	53,763	—	—	—
Immigration	55	32	2,163	55	43	2,827	51	48	2,819	51	48	3,063	51	48	3,063	—	—	—
Immigration	4	4	535	4	2	612	4	4	536	4	4	537	4	4	537	—	—	—
Construction and Engineering	16	15	6,972	16	16	17,698	15	17	17,698	15	17	17,698	15	17	17,698	—	—	—
Construction and Engineering	16	15	6,972	16	16	17,698	15	17	17,698	15	17	17,698	15	17	17,698	—	—	—
Field Inspection and Support	107	104	14,146	107	106	14,146	107	106	14,146	107	106	14,146	107	106	14,146	—	—	—
Field Inspection and Support	107	104	14,146	107	106	14,146	107	106	14,146	107	106	14,146	107	106	14,146	—	—	—
Immigration Support	803	818	28,426	803	806	22,312	803	818	22,312	803	818	22,312	803	818	22,312	—	—	—
Subtotal	2,233	2,309	179,813	2,233	2,236	161,314	2,197	2,119	183,315	2,197	2,119	183,315	2,197	2,119	183,315	—	—	—
Program Division																		
Executive Division and Central	99	91	6,954	109	110	10,538	101	95	8,235	101	95	8,235	101	95	8,235	—	—	—
Administrative Services	433	428	13,426	433	448	14,813	433	428	13,426	433	428	13,426	433	428	13,426	—	—	—
Subtotal	532	519	20,380	542	558	25,351	534	523	21,661	534	523	21,661	534	523	21,661	—	—	—
Total	12,348	12,248	842,297	12,358	12,633	644,241	12,231	12,600	646,637	12,238	12,634	650,708	12,238	12,634	650,708	334	164	48,318
Border/Immigration Work Year																		
Total Work Year	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821	6,821
Other Work Year																		
Holiday	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476	2,476
Overtime	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800
Other	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Total (comparable work years)	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131	3,131

Immigration and Naturalization Service
Salaries and Expenses
Justification of Program and Performance

Activity: Enforcement	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Inspections.....	1,033	1,449	\$77,676	1,033	1,449	\$82,707	1,168	1,516	\$88,680	135	67	\$5,973
Border Patrol.....	4,968	4,552	292,504	4,968	4,477	316,973	4,968	4,677	316,973	...	...	...
Investigations.....	1,625	1,526	98,939	1,624	1,525	106,595	1,818	1,622	116,117	194	97	\$9,522
Anti-Smuggling.....	333	313	21,143	333	313	22,727	339	316	22,935	6	3	208
Detention and Deportation.....	1,510	1,520	150,518	1,510	1,520	157,576	1,838	1,684	191,888	328	164	\$26,312
Employer and Labor Relations.....	50	47	4,879	50	47	5,089	50	47	5,089	...	...	...
Total.....	9,519	9,467	\$645,659	9,518	9,531	\$691,667	10,181	9,862	\$743,682	663	331	\$28,015

1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease			
Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	
Inspections.....	1,033	1,449	\$77,676	1,033	1,449	\$82,707	1,168	1,516	\$88,680	135	67	\$5,973

Long-Range Goal: To ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National Interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified; provide support to the adjudications program by approving or denying applications and petitions for benefits that are sent to ports of entry for remote adjudication during inspector standby time; and issue Border Crossing Cards at ports of entry.

Major Objectives:

Inspect (in cooperation with other Federal agencies) all applicants for admission into the United States.

Facilitate the entry of qualified persons through ports of entry.

Prevent the entry of inadmissible applicants through ports of entry.

Detect fraudulent documents including those representing false claims to U.S. citizenship or permanent residence status and seize conveyances used for illegal entry.

Adjudicate applications and petitions at ports of entry in order to efficiently utilize inspector standby time.

Establish a test Land Border Inspection Fee Pilot project.

Base Program Description: The function of this program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission into the United States. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities. Determination of inadmissibility is based on examination of the applicant, related documents and/or prior information. Local and National lookout systems containing information relating to excludable aliens are available for use at each port of entry. Inadmissible aliens are denied entry into the United States. Any criminal activity discovered in the inspection process is referred for appropriate investigation. Applications and petitions for a full range of benefits under the immigration laws are adjudicated during periods of standby time at most ports of entry during non-peak workload hours. Applications for Border Crossings Cards are presented directly to ports located on the United States/Mexican border where they are adjudicated and issued by inspection personnel.

The Attorney General was authorized under the Department's 1991 Appropriation Act, P.L. 101-515 to establish a project under which a fee may be charged and collected for inspection services provided at one or more land border points of entry.

Accomplishments and Workload: Accomplishments of the inspections program are presented in the following table:

<u>Item</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>Estimate</u> <u>1992</u>
Persons Inspected-Land Ports of Entry..	377,537,247	401,600,398	425,700,000	450,000,000
Persons Inspected-Air and Sea Ports of Entry.....	51,163,204	56,365,113	61,910,000	66,000,000
Persons Inspected - Land Border Fee.....	...	...	...	1,200,000
Inadmissible Aliens Intercepted - Land Ports of Entry.....	766,443	807,473	850,000	895,000

	1989	1990	1991	Estimate 1992
Inadmissible Aliens Intercepted -				
Air and Sea Ports of Entry.....	77,006	80,450	81,000	82,000
Inadmissible Aliens Intercepted -				
Land Border Fee.....	...	...	...	3,000
Remote Adjudications Completed.....	723,792	714,466	725,000	725,000
Border Crossing Cards Issued.....	181,951	233,390	238,000	238,000
Seizures of Illegal Drugs.....	2,671	2,329	2,450	2,950

Explanation

Over the past two years, the Inspections program has experienced increasing workload levels. Total inspections in 1991 are expected to be 426 million, up 6 percent from 1990. Based on consistent increases in traffic, the number of inspections at land border ports in 1992 is projected to be 450 million. In 1990, over 800,000 inadmissible aliens were intercepted at land ports of entry, representing a rate of two detections per 1,000 inspections, continuing the high level of interceptions noted in recent years. Improvements in methodology and techniques of detecting fraudulent attempts to enter into the United States are ongoing. Operational innovations leading to improvements in both border enforcement and facilitation of international travel continue to receive priority.

The inspection of persons at land ports of entry is provided for with appropriated resources. P.L. 99-500, the Department's 1987 Appropriations Act, as amended by the Department's 1991 Appropriations Act, established an Immigration User Fee Account. This legislation, which provides for the collection of a \$5 user fee from each U.S. citizen and alien arriving in the United States from foreign locations by commercial air or sea transportation (with certain exceptions), has allowed the Inspections program to provide more effective services at all airports and seaports nationwide. On a continuing basis, INS has been able to expand its inspection services at air and sea ports of entry with resources from the Immigration User Fee Account for the cost of existing and new officers at these locations, including inspectional overtime, costs associated with improved fraud detection, and other related activities.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Inspections.....	1,033	1,449 \$82,707	1,168	1,516 \$88,680	135	\$5,973

Total program changes of 135 positions, 67 workyears and \$5,973,000 are requested in 1992. This increase is requested for the high volume ports of entry along both the Southern and Northern borders. All of these locations are important to the U.S. economy in view of the high volumes of commercial and tourist traffic which passes through them annually. The Inspections Program has in recent years been unable to accommodate the efficient processing of travellers applying for entry at the major urban-area land crossings along both borders. The 135 positions requested will help eliminate the severe delays now common at most high-volume facilities. Since 1984, land border arrivals at these locations have risen by 34 percent. During this time the authorized force available to inspect these travellers has increased only slightly. Presently, waits of several hours are often noted at many ports. While delays are particularly acute during holidays and other high travel periods, the normal workday flow often routinely results in unacceptable waits for inspection.

Some land ports process 100,000 persons during an average workday. Although in earlier years acute delay problems centered mainly on Southern border ports, during the past year, long waits for inspection have also become common at many of the locations along the U.S.-Canadian border. In response to these workload pressures, GSA has embarked on an extensive program to build new border crossing facilities at several locations. This requested position increase will allow INS to properly staff these facilities, at El Paso and Laredo, Texas, now under construction with planned opening dates set during the 1992 period and alleviate shortages of inspectors at other land ports of entry.

	1991 Appropriation Anticipated		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Border Patrol.....	4,968	4,552 \$292,504	4,968	4,677 \$316,973	4,968	4,677 \$316,973	...	...

Long Range Goal: To ensure that the entry of persons into the United States between ports of entry is controlled in a manner that is consistent with the National interest as established and provided by Congress by preventing entry of persons who have not been inspected and by detecting and apprehending illegal aliens within the United States.

Major Objectives:

Deter uncontrolled entry into the interior of the United States by the rapid detection, interception, and apprehension of illegal entrants at or near the border.

Between ports of entry, interdict drug smugglers, potential terrorists and criminals or deter them from attempting illegal entry.

Cause persons seeking admission into the United States to present themselves at designated ports for inspection.

Base Program Description: The function of this program is to deter or prevent illegal entry or locate and apprehend aliens and other illegal entrants at or near the border. The Border Patrol has primary responsibility for drug interdiction between the ports of entry. In addition, the Patrol conducts numerous interagency drug task force operations with other Federal, State and local law enforcement agencies through its participation in Operation Alliance along the southern border. To further assist the Border Patrol in this endeavor, all Border Patrol agents receive Drug Enforcement Administration Title 21 cross-designation authority in their basic training in Glynnco, Georgia. Border Patrol officers engaged in surveillance activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer-monitored electronic ground sensors which alert them to illegal entries. Additional support is provided by observation aircraft, low light level television systems and infrared viewing devices. Patrol officers use a wide assortment of vehicles adapted to local terrain and operational requirements, including motorcycles, all-terrain vehicles, boats and horses. In addition, line-watch traffic check operations are conducted along major routes of travel to restrict access to the interior by illegal aliens. Transportation centers are placed under surveillance for the same reason.

Accomplishments and Workload: Accomplishments of the Border Patrol program are presented in the following table:

Item	Estimates		
	1989	1990	1991
Deportable Aliens Apprehended.....	891,147	1,103,155	1,120,000
Smuggled Aliens Apprehended.....	50,876	71,049	72,100
			1,150,000
			74,000

Item	Estimates		
	1989	1990	1991
Smugglers Apprehended.....	13,784	21,901	22,250
			22,850

Border Patrol apprehensions in 1989 were down 8.1 percent nationwide from the previous year and have remained below the pre-IRCA levels for each of the last three years. However, apprehensions have been increasing along the Southern border since the latter half of 1989. In the last five months of 1989, apprehensions along the Southern border increased by 24.3 percent above the same period in 1988. This upward trend in apprehensions continued in 1990 with an increase of 23.8 percent compared to 1989. In 1990, the Border Patrol apprehended over one million aliens, the highest since 1987. Other-than-Mexican (OTM) apprehensions, representing 75 different nationalities, increased from 34,305 in 1987 to 60,162 in 1989. In 1990, the number of OTM apprehensions decreased to 48,504 while the number of Mexican nationals apprehended increased during the year.

As part of the Administration's Southwest Border Drug Task Force, Operation Alliance, the Border Patrol increased its drug interdiction efforts along the Southwest land border. The Patrol plays a key role in drug interdiction between the land ports of entry. Cross-designation authority and drug training have enhanced the Border Patrol Agent's ability to intercept narcotics being smuggled across the border. Mobile corridor task forces have concentrated Border Patrol resources into known drug trafficking areas that have produced a significant increase in the seizure of illegal drugs along the border.

The Patrol has a canine program for the detection of aliens and narcotics being smuggled into the United States. The dogs have been successful in the detection of drugs and aliens, working primarily on traffic checkpoint inspections. The canine program has also been involved in a drug education and awareness program. The Patrol actively participates in school drug education programs, and in 1990 had conducted 11,914 drug education presentations to a total audience of over 1,016,038 participants.

As part of a reevaluation and reconfiguration of INS enforcement operations at interior locations, the Border Patrol will relocate Border Patrol agents from interior locations (offices 100 miles from the immediate border) to the Southern border. This shift in personnel will significantly increase the Border Patrol presence on the immediate border. Since the functions performed by these agents is primarily investigative work, resources are requested in the investigations program to continue these functions.

INS anticipates receiving additional funds from the Office of National Drug Control Policy in both 1991 and 1992 for HIDTA-related initiatives. For the Border Patrol these initiatives could include such things as moving Border Patrol staff from the interior to the border and purchasing helicopters and parts for the Southwest border.

	1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	NY Amount		Perm. Pos.	NY Amount		Perm. Pos.	NY Amount		Perm. Pos.	NY Amount
Investigations.....	1,625	1,526	\$9 8,939	1,624	1,525	\$106,595	1,818	1,622	\$116,117	194	\$9,522

Long Range Goal: To enforce the Immigration and Nationality Act within the interior of the United States; identify law violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

Major Objectives:

Investigate and apprehend aliens who commit major criminal offenses, with emphasis on international criminal alien organizations involved in narcotics trafficking, subversion, terrorism, and other serious or violent criminal activities.

Identify employers who violate Section 101 of the Immigration Reform and Control Act (IRCA) of 1986 by hiring aliens not authorized to work in the United States and deter the employment of illegal aliens through education or institution of fines and prosecution of such employers.

Prosecute and deter arrangers and facilitators who conspire with and assist aliens to fraudulently obtain immigration benefits or perpetrate major fraud schemes.

Prosecute aliens who illegally apply for and collect benefits from government entitlement programs, prevent the filing of fraudulent claims, and support civil proceedings to recover benefits illegally obtained.

Provide investigative support to other Service branches by locating aliens who have absconded from deportation or exclusion proceedings, develop grounds for denial of petitions and applications, and obtain government evidence in administrative proceedings.

Base Program Description: The function of this program is to detect criminal law violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Cases investigated involve multi-national criminal alien organizations engaged in racketeering, smuggling, counterfeiting, prostitution, official corruption, weapons and narcotics trafficking, employers who knowingly hire illegal aliens, and individual aliens who entered the United States illegally to find employment. Investigative task forces concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization. Administrative investigations are accomplished through traditional investigative techniques, such as interviews at places of residence and employment, and reviews of civil and business records. Investigations often require the service of subpoenas and search warrants to obtain evidence or to gain access to employment sites where illegal aliens are working.

Accomplishments and Workload: Accomplishments of the Investigations program are presented in the following table:

<u>Item</u>	<u>1989</u>	<u>1990</u>	<u>Estimates</u>	
			<u>1991</u>	<u>1992</u>
Cases received.....	64,404	76,413	76,400	78,600
Cases completed.....	55,851	57,496	56,100	60,522
Cases completed resulting in adverse action				
against illegal aliens 1/.....	24,556	25,595	25,600	26,500
Cases authorized for prosecution.....	6,063	3,770	3,800	4,000
Deportable Aliens Apprehended.....	60,989	64,104	63,900	63,900
Productivity: Cases completed per workyear.....	30.2	37.6	37.7	36.8
Apprehensions per workyear.....	36.3	41.9	42.0	44.8
Employer Compliance Inspections.....	14,706	13,124	13,100	15,300

1/ An adverse action against the subject of an investigation may include: conviction, deportation, denial of benefits, termination of benefits, and/or recovery of funds.

The focus of the Investigations program reflects three basic enforcement priorities of the Immigration and Naturalization Service: enforcement of employer sanctions, removal of criminal aliens, and detection and deterrence of fraud. Recently enacted legislation has expanded the traditional enforcement mission of this program.

IRCA requires expeditious deportation proceedings against any alien convicted of an offense which renders him or her deportable.

The Anti-Drug Abuse Act of 1988 directs INS to improve its ability to respond to other Federal, State, and local law enforcement agencies' inquiries concerning criminal aliens so that rapid determinations can be made concerning their status and deportability.

The Marriage Fraud Amendments Act and IRCA expanded INS's obligations and ability to detect and deter fraud during the legalization process, the employment eligibility verification process, and the acquisition of legal benefits through spousal and fiancé(e) relationships.

The Immigration Act of 1990 enhanced the enforcement authority of INS officers and provides for the facilitation of expedited deportation of criminal aliens by defining aggravated felonies, shortening the period to request judicial review, and the deportation for attempted violations of controlled substances laws.

Program Changes:

	1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Investigations.....	1,624	1,525	\$106,595	1,818	1,622	\$116,117	194	97	\$9,522

Total program changes of 194 positions, 97 workyears, and \$9,522,000 are requested in 1992. Included is an increase of 44 positions, 22 workyears and \$2,294,000 for the establishment of a National Enforcement Operations Center. This center will assist the Investigations Division and other INS enforcement components (e.g., Border Patrol, Detention and Deportation, Anti-Smuggling, Intelligence, etc.) in accomplishing its goals in the areas related to the identification, apprehension, prosecution, and removal of criminal aliens, especially aggravated felons, and will provide data for reporting requirements on criminal aliens as specified in the Immigration Act of 1990. In addition, local, State and Federal agencies will have a national 800 number to call to report aliens suspected of being illegally in the United States, including those involved in criminal activity.

The Anti-Drug Abuse Act of 1988 directs INS to improve its ability to respond to other Federal, State, and local law enforcement agencies' inquiries concerning criminal aliens, especially aggravated felons, on a 24-hour basis, so that rapid determinations can be made concerning their status and whether or not they may be subject to deportation. This Operations Center will function around-the-clock with a staff of qualified personnel capable of evaluating incoming calls and providing information to the appropriate field offices.

The centralization of law enforcement referrals to INS will significantly improve the effectiveness and efficiency with which initial determinations can be made on an individual alien's susceptibility to deportation as a result of criminal conduct. It is estimated that the number of inquiries to this central facility will exceed 100,000 calls annually. As many as 50,000 inquiries are expected to result in follow-up actions required by local INS field offices, 80 percent of which will likely involve criminal aliens. Applying several known factors (i.e. the alien population of Federal prisons and the percentage of alien population with historical crime statistics) indicates the number of aliens arrested annually for felony drug offenses alone exceeds 27,000. Limited resources prevent most local offices from adequately responding to queries from enforcement agencies. A centralized and coordinated response center will enable the Service to adequately respond to the needs of other criminal justice agencies, without adversely impacting local office efficiency. Referral to local offices for follow-up action will only be made in cases most likely to ultimately result in deportation and removal of an alien.

It is estimated that as much as a 20 percent improvement in productivity with regard to identifying criminal aliens would result from the establishment of the National Enforcement Operations Center and the centralization of law enforcement referrals. Early identification of criminal aliens entering the criminal justice system would enable the INS to initiate and complete the deportation hearing process as early as possible. Delaying this process until these aliens are released from the custody of other Federal, State and local institutions requires INS to detain many of these aliens -- resulting in increased detention costs. Failure to respond to these inquiries limits the ability of INS to effectively accomplish its mission objectives in the most timely and cost effective manner.

An increase of 150 positions, 75 workyears and \$7,228,000 is requested for 1992 as part of a two year project that involves shifting Border Patrol resources from interior locations to the Southern border. Much of the Border Patrol officer's time at the interior offices has been spent on investigation work. The transfer of these officers will help to better secure the nation's border and limit the influx of drugs and associated violent crime. The phased departure of the Patrol from these interior locations will create a void in the enforcement presence which cannot be addressed by existing investigations resources. The requested resources will provide a continuation of enforcement and employer sanctions coverage in these areas. The significance of employer sanctions enforcement in maintaining the sovereignty of our nation's borders is indisputable. GAO, in finding that implementation of the law has proceeded satisfactorily and has reduced illegal immigration, expressed concern over the possibility that the level of effort devoted to employer sanctions might lessen. A lower level of enforcement activity could lead many employers to discount the possibility that violations will be detected and punished, thus weakening the deterrent effect of employer sanctions.

1991 Appropriation	1992 Base		1992 Estimate		Increase/Decrease				
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount			
Anti-Smuggling	333	313 \$21,143	333	313 \$22,727	339	316 \$22,935	6	3	\$208

Long Range Goal: To reduce the number of illegal aliens entering the United States by conducting pro-active criminal investigations that target major domestic/international alien smuggling organizations.

Major Objectives:

Identify smugglers of illegal aliens.

Investigate and apprehend smugglers of illegal aliens, concentrating resources on major violators.

Gather sufficient evidence to support U.S. Attorneys in obtaining convictions of smuggling violators.

Increase deterrent efforts such as conveyance seizures, drug seizures, extraterritorial prosecutions, fines and sentences.

Base Program Description: The Anti-Smuggling program has as its primary function the curtailment and prevention of the growth of the illegal immigrant population in this country by locating, apprehending and prosecuting alien smugglers involved in extensive smuggling operations, and by locating and apprehending those deportable aliens who use such means to enter the country without detection. While the large majority of alien smugglers apprehended by INS enforcement personnel are considered minor violators who operate independently and infrequently, a growing number of these violators are associated with large-scale, highly organized criminal conspiracies. Quite often, these professional organizations are simultaneously involved in other illegal activities such as narcotics and weapons smuggling, extortion, kidnapping, peonage, and document fraud on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as, undercover and task force operations. The Anti-Smuggling program also is responsible for managing the Service's assets forfeiture activities so that their full law enforcement and revenue generating potentials are realized.

Accomplishments and Workload: Anti-Smuggling Program are presented in the following table:

Item	1989	Estimates	
		1991	1992
Smuggling Principals Apprehended			
(Anti-Smuggling).....	2,540	3,368	3,700
Smuggling Principals Apprehended (Service-wide).....	14,455	17,517	18,000
Cases Completed.....	2,614	2,088	2,300
Prosecutions Presented			
Major.....	1,248	1,894	2,000
Minor.....	291	804	800
Convictions (Defendants):			
Felony.....	1,306	1,215	1,500
Misdemeanor.....	396	697	700
Sentences (Months-All Charges).....	17,779	17,115	18,700
Conveyances Seized.....	14,400	23,335	23,000

During 1990 and continuing into 1991, the Anti-Smuggling program has focused on the identification, apprehension and prosecution of major alien smuggling organizations, particularly in those instances where there is the likelihood of conspiracy. The program continues to concentrate extensive investigative efforts against broadly diversified smuggling organizations engaged in baby smuggling, providing illegal workers to employers, transporting criminal aliens into the country to participate in drug trafficking and other illegal enterprises, counterfeit document trafficking, and terrorist activities. Since 1986, the program has been a part of the Southwest Border Interdiction Program under Operation Alliance. One hundred and twenty-three of its special agents are cross designated in support of drug interdiction activities.

In 1989, the Anti-Smuggling program implemented a Productivity Improvement Program designed to determine the most cost effective placement of resources by standardizing the process of evaluating performance in the conduct of criminal investigations at the agent and unit level. Through the collection and evaluation of such performance measures as the efficiency, quality, timeliness and effectiveness of investigative efforts and program operations, a more cost effective deployment of resources resulted.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Anti-Smuggling.....	333	318 \$22,727	339	318 \$22,935	6	3 \$208

Total program changes of 6 positions, 3 workyears, and \$208,000 are requested in 1992 to fund the expansion of the Assets Forfeiture Program staff.

The funding of the expansion of the Assets Forfeiture Program will provide one program analyst, one management analyst, two clerical, and two field assets forfeiture coordinator positions to further strengthen the ability to manage the Service's assets seizure and forfeiture activities. This expansion addresses material weaknesses identified by the Attorney General in his internal control report to the President by enhancing the overall management of the Assets Forfeiture program, and providing additional coordination and assistance to the U.S. Attorney's Office in the area of judicial forfeiture.

	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Detention and Deportation.....	1,510	1,520 \$150,518	1,510	1,520 \$157,576	1,838	1,684 \$193,688	328	164 \$36,312

Long Range Goal: Detain, until ready for removal, aliens subject to exclusion and deportation proceedings who are likely to abscond or represent a danger to public safety and security. Maintain and further develop a system that ensures that every case involving a deportable or excludable alien is processed expeditiously and that the alien is removed from the United States when appropriate.

Major Objectives:

Promptly remove deportable and excludable aliens and avoid detention to the greatest extent possible.

Ensure that adequate alien detention capability is available by staffing and maintaining nine accredited INS Service Processing Centers (SPCs), and detaining aliens when necessary in non-INS facilities which meet INS standards.

Allow other enforcement programs to operate effectively by quickly removing detained aliens.

Base Program Description: The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the detention, exclusion, expulsion, removal, parole and deportation of aliens. Service and non-Service (contract) facilities are used to detain, until ready for removal, those aliens subject to deportation or exclusion proceedings who are likely to abscond or whose freedom at large would clearly represent a danger to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

Accomplishments and Workload: Accomplishments of the Detention and Deportation program are presented in the following table:

Item	1989	1990	Estimates	
			1991	1992
Detention				
a. Aliens detained (Total).....	104,639	104,889	96,940	126,640
INS Facilities.....	74,925	51,222	42,511	48,886
Non-Service Facilities.....	60,075	53,667	54,429	77,753
b. Number of detention days.....	2,349,970	2,398,563	2,300,780	2,570,410
INS Facilities.....	1,234,073	1,034,947	1,019,445	1,082,232
Non-Service Facilities.....	1,115,897	1,363,618	1,281,335	1,488,118
c. Average stay in detention (days).....	22.5	22.9	23.7	20.3
Expulsions				
a. Aliens expelled (backlogs).....	861,169	1,054,225	769,430	802,280
b. Voluntary departures under docket control.....	30,686	12,369	11,052	11,232
c. Voluntary departures not under docket control.....	796,793	1,010,943	756,829	769,150
d. Deportations effected.....	30,097	27,213	19,499	19,816
e. Exclusions effected.....	3,593	3,700	2,052	2,086

Item	1989	Estimates	
		1990	1992
f. Deportable aliens located, percentage expelled.....	938	968	968
g. Expelled aliens, percentage detained.....	12.18	108	188
Recognition, Bond and Supervision			
a. Aliens released on recognition.....	11,040	6,773	8,191
b. Aliens placed on bond.....	27,797	22,740	51,196
c. Aliens placed under supervision...	187	146	68

The Detention program accomplished its mission during 1990 through the operation of seven Service Processing Centers (SPC). As a result of an expansion program, the combined capacity of these seven facilities in 1990 is now 2,404 detainees. INS utilized six private contract detention facilities, located in Los Angeles, El Centro, Denver, Laredo, Houston, and Seattle. These facilities provide an additional 773 bed spaces for INS. A standard statement of work for contract facilities has been developed and will be used for future contracts with private sector entities. INS also contracts with over 900 State and local prisons and jails for bedspace to detain aliens. In 1990 1,363,618 detention days were provided through non-service sources.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease				
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount			
Detention and Deportation.....	1,510	1,520	\$157,576	1,838	1,684	\$193,888	328	164	\$36,312

Total program changes of 328 positions, 164 workyears and \$36,312,000 are requested in 1992 based on the six-year detention and deportation plan that was developed in conjunction with the INS, the Bureau of Prisons and the U.S. Marshals Service. For the first time, INS detention needs, as well as those of the Bureau of Prisons and the U.S. Marshals are being addressed as part of a unified, coordinated and dynamic plan on a Department-wide basis. The INS request is comprised of \$9,778,000 in additional alien travel, detention and welfare (ATD&W) funds; 278 positions, 139 workyears and \$11,099,000 for staffing of INS SPC's; and 50 positions, 25 workyears and \$16,035,000 for staffing and operation of a joint 1,000 bed INS/BOP contract facility for criminal aliens near San Diego, CA (500 beds to be utilized by INS and 500 beds by BOP).

1. Additional Alien Travel, Detention and Welfare (ATD&W) funds: An increase of \$9,178,000 is requested for additional ATD&W funds to allow INS to use the additional 755 new beds scheduled to come on-line by the beginning of 1992.

These additional funds will support the cost of transporting and detaining aliens in the 600 new beds at the joint INS/BOP Oakdale II facility; and 155 new beds at the Florence, Arizona SPC expansion that was funded through 1989 Assets Forfeiture funds transferred to INS from BOP in 1990. The need for expanding detention capacity has been realized in past years, and additional ATD&W funds are essential if these facilities are to operate properly and be fully utilized when completed.

The increased ATD&W funding will allow the Detention and Deportation program to adequately support the Border Patrol and investigations programs. Without additional funds it will not be possible to maintain a correct balance between the apprehension and removal steps of the enforcement process. Statistics and experience indicate that the majority of aliens who are released from custody on bond or recognizance are not expelled because they subsequently abscond. Apprehending and then releasing an illegal alien who is likely to abscond, because of inadequate resources to detain, does not present a strong deterrent to illegal entries. In addition, the increased ATD&W funding will facilitate the removal process. It is not cost-efficient or cost-effective to increase detention capability without a concurrent increase in funding for the removal process. Without adequate travel funds, detention costs increase because of the added days of detention used by aliens waiting for the service to remove them.

2. Additional Staffing for INS' Service Processing Centers: An increase of 278 positions, 139 workyears and \$11,099,000 is requested for staffing at SPC's. The 278 positions will be distributed to the following Service Processing Centers: Boston, MA - 25; New York, NY - 12; Aguadilla, PR - 30; Krome, FL - 43; Florence, AZ - 84; San Pedro, CA - 34; and the Oakdale II, LA INS/BOP facility - 50.

In 1989, the Detention and Deportation Program received an increase of 130 positions for the operation of the Oakdale II Facility (20 positions) and the San Pedro SPC (110 positions). However, in order for the Service to meet budget targets established by the Administration, the program's authorized force was reduced by 199 positions. The net result of these two actions was a reduction of 69 positions. To staff the Oakdale II facility and the San Pedro SPC positions had to be reassigned from other Service facilities, causing critical shortages in personnel at all Service facilities.

In January of 1991, the General Accounting Office reported to the Congress that inadequate levels of staffing have caused serious problems at several INS facilities. Proper and adequate INS staffing with supervisory personnel,

detention officers, deportation officers, docket clerks, cooks, medical personnel, maintenance workers, mechanics, and transportation officers is required at all SPC's. Contract facilities require INS staff to provide transportation to and from the site, and deportation teams to maintain the docket, schedule hearings and post bonds. Sufficient staff is required to ultimately remove aliens to their homelands upon completion of the deportation process. Within each SPC, there are key post positions which must be covered on a 24-hour basis, seven days a week to provide adequate detention capability. Not all the SPCs are designed the same, so some facilities may require more posts to provide coverage even though the rated capacity is lower.

Workload at all district offices has increased dramatically over the past few years, based on illegal migration trends and detention policy changes. The Detention and Deportation Program must support the Border Patrol and

investigation programs in order to effectively accomplish its goal to detain and remove aliens. Border and interior apprehensions are on the rise and criminal aliens are being identified in record numbers. Proper staffing with deportation teams and transportation units is a requisite in handling expanded workloads.

In order to be an effective enforcement entity, the Detention and Deportation Program requires the 276 positions requested. Proper staffing within the SPC's and contract facilities will enable INS to limit the use of contract guards at Service operated facilities and provide the most appropriate mix of INS and contract personnel at INS facilities.

With the increase in positions, INS will be able to reduce the need for the excessive amount of overtime used to run our SPC's, improve the morale of the overworked staff, reduce the likelihood of health problems to overburdened staff, and most importantly, improve the safety of the facilities and reduce the likelihood of violent incidents.

3. Additional Detention Contract Funding: An increase of 30 positions, 25 workyears and \$16,035,000 is requested in additional contract funding for the staffing and operation of a joint 1000 bed INS/BOP contract facility for criminal aliens near San Diego.

The joint INS/BOP contract facility which will be located near San Diego will strengthen INS's continuing efforts to centralize criminal aliens in order to expedite their removal. The BOP will use its 500 beds to centralize the criminal aliens serving Federal sentences, who represent over 20 percent of their total prisoner population. The Service will use its 500 beds to centralize criminal aliens who have been serving state/local sentences. Despite the opening of the San Pedro Service Processing Center, which is to be used to detain criminal aliens, there is still a dire need for additional beds to support the increasing number of criminal aliens being released to INS custody from the states of California and Arizona. This facility will also be used to provide bedspace for detained criminal aliens from other

Service locations, thereby freeing bedspace for administrative detainees and allowing INS to remove criminal aliens from existing SPC's, which were not built for, and are not appropriate for, the detention of criminal aliens. This would also reduce the likelihood of violent incidents and/or dangerous situations arising in the SPC's.

Contracting for detention space has proven to be more timely than the Federal Government's competitive bid process for new construction. In addition, the use of contract detention officers has proven to be a cost effective means of staffing, which has allowed the Service to maintain a low staff to detainee ratio without requiring INS detention personnel. The additional positions requested for the contract facilities will be used for those immigration support functions which cannot be performed by contract personnel. These duties include the transportation of aliens to and from the facilities for overnight detention, transportation for deportation and local voluntary departures, and transportation to various court hearings. Deportation officer positions will be needed at the facilities to maintain deportation dockets, and other positions will be required to perform administrative duties.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Employee and Labor Relations.....	50	47	\$4,879	50	47	\$5,089	50	47	\$5,089	...	...	...

Long Range Goal: To advance cooperation and voluntary compliance of employers, labor organizations, workers and other groups with the employer sanctions and anti-discrimination provisions of the Immigration Reform and Control Act (IRCA) of 1986. Oversee the establishment and operation of systems to verify the immigration status of aliens applying for benefits under Aid to Families with Dependent Children (AFDC), Medicaid, unemployment compensation, food stamp programs, housing programs and educational assistance - as required in Section 121 of IRCA. Expand access/usage of the Alien Status Verification Index (ASVI) database to other agencies, and develop methods for improving the quality of the database.

Major Objectives:

Advance cooperation and voluntary compliance of employers, labor organizations and workers with employer sanctions and anti-discrimination provisions of IRCA.

Provide information to the public, Congress and others regarding the voluntary compliance aspects of IRCA.

Encourage the hiring of United States citizens and legal resident aliens.

Establish systems to verify the immigration status of applicants for benefits such as AFDC, Medicaid, unemployment compensation, food stamps, housing, and educational assistance. Improve and expand ASVI Verification Program.

Base Program Description: The function of this program is to increase public understanding of employer and employee responsibilities under IRCA and to promote voluntary compliance with the employer sanctions provisions of the Act. Employer and Labor Relations personnel inform employers and community groups of the employment requirements under IRCA and the associated criminal/civil penalties for violations. They counsel employers who are in violation of the law and create and assist in special initiatives to facilitate the availability and hiring of legally authorized workers.

In addition, it is a requirement of IRCA that an alien's immigration status be verified at the time of application for a benefit under certain entitlement programs administered by the Departments of Health and Human Services, Agriculture, Labor, and Education. The Employer and Labor Relations program is responsible for providing the verification system for the documentation and status of alien applicants. This system, known as the Systematic Alien Verification for Entitlement Program (SAVE), serves as a means of identifying trends and usage levels by the aliens of fraudulent, counterfeit or altered immigration documentation to obtain Federally subsidized benefits and employment in the United States.

Accomplishments and Workload: Accomplishments of the Employer and Labor Relations Program are presented in the following table:

Item	Estimates		
	1989 1/	1990 2/	1992
Service-wide Informational and Educational Contacts.....	963,191	850,480	500,000
Service-wide Public speaking engagements (participation in seminars and conferences, discussions with trade, professional and labor organizations).....	1,302	550	500
State agencies participating in SAVE (Systematic Alien Verification Entitlement) Program.....	92	93	200
Queries made against SAVE database.....	1,946,604	2,308,621	4,000,000

1/ Program began functioning as a separate unit in 1989.

2/ In 1990, the Border Patrol and Investigations Programs ceased providing manpower to assist this program in its

educational contacts and public speaking engagements causing an overall reduction in servicewide informational and educational contacts.

Since the passage of IRCA in 1986, over two million employers have been educated regarding their requirements under the law. This has been accomplished through personal contacts, seminars, and discussions with community organizations, trade associations and agricultural groups. Radio, television, and print ads were prepared and used. In addition, information packets were distributed to 12,000 colleges, universities and technical schools and to 8,000 libraries to inform students of documents required when seeking employment.

The SAVE Program has successfully established an automated database housed and maintained by a private contractor that contains over 27,000,000 Service Record "A" files. The SAVE Program is supported by Alien Status Verification Index (ASVI) and has the capability of being accessed by seven different methods including voice data response via touch-tone telephone. All entitlement agencies are now participating in the SAVE Program with the exception of Department of Housing and Urban Development (HUD) which is expected to come on board before the end of 1991. The ASVI Program has been expanded to accommodate certain entitlement agencies in regards to reports requested from the SAVE Program. The total number of queries for 1990 was 2,308,621. This, along with the 1,946,604 queries made during 1989, brings the cumulative total to 4,468,219. Each query is equivalent to a "check" against an IMS record by an entitlement insuring authority in order to determine alien applicants eligibility for Federal benefits. These numbers are expected to increase as the HUD begins using the system.

Activity: Immigration Support

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Training.....	106	100	\$10,982	106	100	\$11,325	106	100	\$11,325	...	...	...
Data and Communications Systems.....	178	167	44,928	178	167	45,528	183	170	50,572	5	3	\$5,044
Information & Records Management.....	1,101	1,095	52,563	1,101	1,095	55,703	1,101	1,095	55,703	...	...	...
Intelligence.....	51	48	2,919	51	48	3,065	51	48	3,065	...	...	...
Research and Development..	4	4	530	4	4	537	4	4	537	...	...	...

1991 Appropriation
Anticipated

	1991 Appropriation Anticipated		1992 Base		1992 Estimate		Increase/Decrease					
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount				
Construction and Engineering.....	13	12	24,075	13	12	17,135	13	12	24,232	...	...	7,097
Field Management and Support.....	285	262	20,394	285	262	21,593	285	262	21,593	...	...	...
Legal Proceedings.....	459	431	28,824	459	431	30,607	519	461	33,490	60	30	2,883
Total.....	2,137	2,119	185,215	2,197	2,119	185,493	2,262	2,132	200,317	65	33	15,024

This activity includes the resources for construction, communications, records management, automated data processing, training of personnel, research and development, field management, legal proceedings, and the alien documentation program (ADIT). In addition, it provides a capacity to scientifically examine and analyze documents to assist in the identification, investigation and prosecution of major conspiracies which provide fraudulent documents to smuggled aliens.

1991 Appropriation
Anticipated

	1991 Appropriation Anticipated		1992 Base		1992 Estimate		Increase/Decrease					
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount				
Training.....	106	100	\$10,982	106	100	\$11,325	106	100	\$11,325

Long Range Goal: To establish and maintain an employee development system that meets the needs of management and individual employees and complies with regulatory requirements.

Major Objectives:

Provide basic training for all new recruits and advanced technical training for journeyman officers, and develop updated curricula for the basic and journeyman training programs.

Train INS supervisors, managers, management officials and executives, and provide technical and specialized training for support functions to meet requirements that are not satisfied by in-Service programs.

Base Program Description: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through in-service training at the Federal Law Enforcement Training Center facilities (FLETC) at Glynco, Georgia (basic officer training) and at Artesia, New Mexico (journeyman officer training); through programs conducted by other Federal agencies; by private contractors; or in combined presentations using Service and non-Service resources.

Accomplishments and Workload: Accomplishments of the Training program are presented in the following table:

Item	1989	1990	Estimates	
			1991	1992 1/
Workload Production/Training				
Starts:				
Border Patrol Basic.....	1,117	216	288	480
Immigration Officer Basic.....	1,187	660	432	660
Detention Officer Basic.....	143	96	144	240
Completions:				
Border Patrol Basic.....	1,026	142	200	190
Immigration Officer Basic.....	775	325	495	500
Detention Officer Basic.....	131	84	120	200
Journeyman Officer Training.....	650	635	2,080	2,080
Basic Supervisory Development.....	260	244	260	260
Management Development.....	200	189	200	200
Executive Development.....	25	23	25	25
Extension Training.....	600	592	250	250
Contact Representatives and				
Docket Clerks.....	120	120	120	120
Regional/Central Office				
Training.....	2,350	2,523	2,350	2,350

1/ Resources to support basic training will be provided by the benefiting decision unit

1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
Anticipated						Perm.	
Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Data and Communications....	178 167 \$46,928	178 167 \$45,328	183 170 \$50,572	5	3	\$5,044	

Long-Range Goal: To establish and maintain automated and electronic technical support to increase the efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS' informational needs; produce and issue alien identification documents (ID) and provide an automated ID verification system; provide radio and electronics equipment and systems required by the INS to support its law enforcement functions; and promote the sharing of information with other Federal agencies to reduce the paperwork burden, to both the public and INS.

Major Objectives:

Ensure the cost effectiveness of new information systems through the use of contemporary techniques for quantifying and justifying automated data processing (ADP) based systems and data bases.

Improve the quality, reliability, interconnection, maintenance, and the accessibility of existing database systems.

Install and maintain INS's major mission and management oriented systems throughout the Service.

Improve the efficiency and effectiveness of voice and data communications throughout the Service.

Provide office automation support for word processing, local tracking, analysis, and electronic mail.

Provide automated intrusion detection capabilities at selected Border Patrol sectors consisting of a variety of sensor and imaging equipment with centralized monitoring at the sector for dispatch and reporting purposes.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronics capabilities.

Base Program Description: The function of this program is to provide direct support to the Service's operational programs as well as administrative support functions in the areas of ADP, radio, and electronics systems. This includes: (1) improving the effectiveness and efficiency of Service functions through the use of computer resources in information processing; (2) providing for the operation of data and communications networks; (3) maintaining the cost effective production and issuance of secure alien identification cards; and (4) providing radio communications, telephone call handling, intrusion detection (sensors), and electronic security equipment and systems.

Accomplishments and Workload: Workload is best expressed in narrative form since program efforts directly contribute to increasing the productivity and effectiveness of operating programs. Accomplishments include the following:

1. ADP SYSTEMS

1. Systems Planning -

The 1992 request represents the fifth year for the INS automation program as defined in the Automated Information Systems (AIS) Strategic Plan. An INS Information Architecture study to be completed in 1991 will provide a framework for improving, designing and developing agency information systems. Accomplishments include a contract that was implemented in 1989 to support software development and maintenance needs of INS, and several ADP hardware procurements, including three major purchases of ADP workstations and other associated equipment in 1988 and 1989 in support of adjudications and other service responsibilities for INS field offices. The Department of Justice computer centers continue to be the primary facilities for centralized ADP processing for the Service.

2. Systems Operation -

The following operational systems have been expanded and/or proliferated to support 250 INS sites: (1) the Central Index System houses records for over 10 million individuals and supports both State and Federal government access to the SAVE program; (2) the Non-Immigrant Information System currently maintains over 90 million records and supports the Visa Waiver program as well as other mission operations; (3) the casework system, including the Deportable Alien Control and the Naturalization Casework System, were expanded to additional sites (DACs is now located in 48 offices); (4) subsystems of the Service's Financial Management Information System; (5) the redesigned and renamed Operational Activities Special Information System (OASIS); and (6) the Fee and Applications Receipt and Entry System (FARES) is operational for adjudication case tracking and fee receipting at four Regional Service Centers and five district offices. In support of the Immigration Reform and Control Act (IRCA) of 1986, contract support has provided planning,

integration, training, development, implementation and operation of systems to support mandated requirements. A fraud detection system under OASIS was refined and enhanced. Development of the Enforcement Case Tracking System was initiated.

A data entry plus A-Files and mail management contract was implemented in 1989 in support of Legislation Adjustment Processing System (LAPS), Phase II, and additional enhancements were made to support the Replenishment Agricultural Worker (RAW) provision of IRCA.

Port of Entry Automation system operation and maintenance is continuing at four port of entry prototype sites (Laredo, Calexico, Agana and Shannun). An interagency border inspection system (IBIS) effort has been initiated involving Department of State, U.S. Customs Service and INS. At this time, a joint steering committee and working group has been established; automation strategies have been approved; an implementation schedule has been identified; funding responsibilities have been identified and approved; and sixteen ports of entry have been automated. A direct link between the Interagency Border Inspection System and the National Crime Information Center was established in 1989. Telecommunications implementation has been started between U.S. Customs Service and INS. Interagency data exchange activities have been initiated between INS, USCS and DOS. During 1990, 33 land border sites were installed on the Northern Border using IBIS in a single workstation mode (without machine readable document readers). Additionally, a prototype of IBIS was installed using a local area network and two types of document readers and is being tested at Nogales on the Southwest border. In 1991, IBIS will be installed at five additional locations in El Paso and Laredo, Texas.

The SAVE Program, standardized since October 1985, is now available to all states for alien benefit verification.

During 1989, the Automated Fingerprint Identification System (AFIS) project successfully demonstrated the capability to positively identify criminal aliens and repeat offenders of immigration law. This was accomplished by implementing a prototype advanced technology, computer-based fingerprint identification-storage-retrieval system in the San Diego Border Patrol Sector. In 1991, funding will provide for a total of nine sites, each location being equipped with booking terminals that will provide remote AFIS capability.

Work has been initiated on the conversion to the DOJ FMIS system, principally on a budget execution module. The task will continue into 1991 and 1992. The replacement for the existing outdated mini-computer equipment utilized for INS Resource Management System was purchased in 1990 and will be installed in 1991.

II. ALIEN DOCUMENTATION (ADIT)

In 1990 a new Immigration Card Facility operations contract was signed to support a higher volume of card production through the use of new equipment and procedures in 1991 and in succeeding years. Also, beginning in 1991, the Immigration Card Facility will be totally funded through the Examination Fee account. The two major types of cards produced at the facility are the Legal Permanent Resident (I-551) and the Border Crossing Card (BCC). In 1990, 1.9 million I-551's and 138,000 BCC's were produced. Maximum production on one shift is 2 million cards.

III. DATA COMMUNICATIONS

The Service's data communications network (INSINC) has been expanded to more than 250 of INS's field offices allowing for immediate access to INS systems on the Justice Data Center's mainframe computers. INSINC has been expanded to include access to at least two non-INS information sources--the National Law Enforcement and Telecommunications System (NLETS), which provides information from State law enforcement systems; and the FBI's National Crime Information Center (NCIC), which provides interstate criminal justice information on wanted, missing and unidentified persons, stolen vehicles and guns, and other properties and individual criminal histories. INSINC is currently under transition to the GSA mandated FTS 2000 network projected to be completed in 1991.

IV. ELECTRONICS SUPPORT

1. Radio Systems -

INS has commenced a major initiative to bring all radio systems and equipment into compliance with standards established by the Office of National Drug Control Policy. This initiative is supported with Department of Defense (DDO) funding. A study completed in 1990, produced a plan to provide for service-wide implementation over a five year period.

2. Surveillance Systems -

Low-light-level television (LLTV) Systems are being expanded to additional Border Patrol sectors. Individual agent, night vision scopes for field use, as well as infrared scopes and Forward Looking Infrared equipment for aircraft, are part of the intrusion detection initiative. Closed-circuit television systems at service processing centers are also supported by this program.

The new Computer Assisted Dispatch and Reporting Enhancement (CADRG) system, providing sensor and dispatch functions, has been installed in the El Paso Border Patrol Sector. This will provide the basis for upgrading the systems in other sectors as funding permits.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease				
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount			
Data and Communications.....	170	167	\$45,320	183	170	\$50,572	5	3	\$5,044

Total program changes of 5 positions, 3 workyears and \$5,044,000 are requested in 1992 as follows:

Enforcement

An increase of 5 positions, 3 workyears and \$3,177,000 is requested to upgrade the Computer Assisted Dispatch and Reporting Enhancement (CADRG) system in six Border Patrol sectors during 1992. A properly functioning CADRG system is necessary to support the Border Patrol with the capability to analyze intrusion detection sensor input and assist radio dispatch operations. CADRG will allow INS to make full use of the sensors buried along the border. The current system is a personal computer based system which has proven inadequate due to user requirements and workload which exceed the software and hardware capabilities. The CADRG system provides a direct link between agents on the line and the operations center. A fully functioning CADRG system is essential for officer safety.

Additional resources of \$450,000 will provide upgrades to the Deportable Alien Control System (DACS) to create indexing functions and interface with the Central Index System, thereby eliminating duplicate data entry. Other upgrades will improve system response time (necessary because of the increased number of users), provide improved management reports and modify the system to accept fingerprint codes.

Management

Additional funding of \$1,417,000 is requested to continue the migration of the INS accounting system to the Department's Financial Management Information System (FMIS) in support of the Administration's "Management Priorities for the 1992 Budget" as outlined in OMB Memorandum (M-90-05) dated July 16, 1990 to all Executive Departments and Agencies. A special audit by the Department in 1990 also identified the INS accounting system as a weakness and

recommended the conversion to the Department's FMS. The funding will be used to specifically address upgrades in financial management systems consistent with the Administration's long standing goals for consolidating, upgrading and modernizing a single integrated financial management system within each agency, with full implementation of the Core Financial Requirements, the Standard Ledger and have the capability of producing auditable financial statements.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm. Pos.	MY Amount		Perm. Pos.	MY Amount		Perm. Pos.	MY Amount		Perm. Pos.	MY Amount	
Information and Records Management.....	1,101	1,095	\$52,563	1,101	1,095	\$55,703	1,101	1,095	\$55,703	...	...	...

Long-Range Goals: To provide information in a timely and professional manner to the public and government agencies on immigration procedures, policies, plans, activities, status, benefits and eligibility, including the Immigration Reform and Control Act of 1986 (IRCA) provisions and initiatives. Administer Servicewide Information Services and Records programs designed to provide support to INS's operating components and other United States law enforcement agencies, as well as, state and local governments seeking the status of aliens under the provisions of the Immigration and Nationality Act.

Ensure the reliability of automated and manual data generated by INS information systems (contractor and in-house); ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform correspondence throughout INS.

Major Objectives:

Ensure Servicewide compliance with the Freedom of Information and Privacy Acts (FOIA/PA).

Ensure Servicewide compliance with the Paperwork Reduction Act of 1980 as amended.

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions

Respond to 85 percent of all telephone inquiries from the public within three minutes, all in-person inquiries from the public within 15 minutes, and all written inquiries received from the public within 20 days.

Develop and install advanced automated telephone systems to improve the public's access to immigration information.

Respond to information and status requests from the public, INS operating components, state and local governments, law enforcement agencies, and other Federal government agencies.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, processing and retrieval.

Improve the control, accountability and availability of INS records through increased training, and provide technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems and resources and ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Ensure the accurate and timely issuance of Service regulations, directives, operating instructions and forms.

Improve INS workload data and productivity measurement and ensure timeliness, quality and completeness of all INS statistical data.

Develop, analyze, and publish timely, high-quality immigrant and non-immigrant statistics in annual statistical yearbooks, special bulletins, and reports for policy making at agency and national levels.

Establish and maintain liaison with Federal and state agencies, and national and international organizations involved in the collection and/or analysis of immigration related statistics.

Base Program Description: The functions of this program are to (1) provide responses to inquiries from the public and private sectors; local, state and federal agencies; and the various branches of government, by telephone, in-person, and in writing, (2) maintain alien records and files from which data may be readily obtained to respond to requests from both in and outside the Service; (3) develop guidelines, policies and procedures and responses to FOIA/PA requests, (4) compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations and work accomplishments; (5) provide for the coordination, development, preparation and review of the Service's

regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established Federal regulations and laws, and (6) monitor and ensure internal compliance to standards for systems and service delivery.

Accomplishments and Workload: Accomplishments of the Information and Records Management Program are presented in the following table:

<u>Item</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>Estimates 1992</u>
Information Services:				
On-Hand/Receipts - Correspondence.....	461,983	471,239	550,000	550,000
Completions - Correspondence.....	165,478	465,886	500,000	500,000
Inquiries:				
Ask Immigration (AI) Telephone System.....	5,233,593	6,361,173	7,500,000	7,500,000
Immigration Telephone Systems (Other).....	983,643	653,359	500,000	500,000
INS "800" Telephone System.....	1,206,276	917,254	1,000,000	1,000,000
In person inquiries: (a)				
Application Processing - Accepted.....	N/A	1,492,287	1,500,000	1,500,000
Application Processing - Not Accepted.....	4,017,225	4,656,993	5,000,000	5,000,000
Record Completions:				
Files created.....	969,547	975,442	1,000,000	1,000,000
Records verification.....	746,987	816,241	850,000	900,000
Files transferred and requested from Others/FRC's.....	2,313,372	2,108,837	2,100,000	2,100,000
Files Connection.....	3,993,318	4,140,925	4,100,000	4,100,000
Refiles.....	4,684,651	4,221,982	4,300,000	4,300,000
Mail Processing.....	11,816,049	11,507,597	12,000,000	12,000,000
FOIA/PA: (b)				
On Hand/Receipts - FOIA/PA.....	32,265	59,382	72,000	97,000
Completions - FOIA/PA.....	30,493	47,949	53,000	58,000

(a) Inquiries -- Starting in 1990, in person inquiries include two line items for applications accepted and not accepted. Previously, in person inquiries included only applications reviewed and rejected.

(b) FOIA/PA activity workload source changed to the operating FOIA/PA Case Tracking System output starting in 1990. It was decided that this output is more reliable.

1991 Appropriation Anticipated	1992 Base		1992 Estimate		Increase/Decrease				
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount			
Intelligence.....	51	40	\$2,919	51	40	\$3,065

Long Range Goal: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency.

Major Objectives:

- Provide intelligence assistance and support required for maximum operational effectiveness of INS field components.
- Provide strategic intelligence assessments to INS management for consideration in short-term and long-term operational planning.
- Maintain liaison with appropriate United States and foreign government agencies on immigration and national security matters including the movement of known or suspected international terrorists.
- Furnish assistance in the detection of fraudulent identity documents to international law enforcement agencies and international air carriers.
- Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act and the Immigration Reform and Control Act of 1986.
- Act as coordinator for the Operational Activities Special Information System (OASIS), a Service-wide intelligence computer system.

Base Program Description: This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the Immigration and Nationality Act, and assists other Federal agencies in addressing national security issues. The Service's document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotic traffickers, and detecting fraudulent documents, alien smuggling, false claims to citizenship and other frauds.

Accomplishments and Workload: Accomplishments of the Intelligence program are presented in the following table:

Item	Estimate		
	1989	1990	1991
Cases received for examination of fraudulent documents.....	1,901	2,295	2,400
Cases completed for examination of fraudulent documents.....	1,901	2,295	2,400
INS Intelligence Inputs Processed at EPIC.....	16,347	19,487	20,000
Queries of INS Databases at EPIC.....	19,020	16,319 1/	20,000
Positive INS Responses Provided to Queries.....	3,367	3,784	4,000
Published intelligence products.....	2/	72	72

1/ Decrease reflects the fact that an increasing number of offices have the equipment to query INS databases directly and need not go through EPIC.

2/ This workload element has not been included in previous budget submissions. These types of products include (but are not limited to): the monthly Immigration Intelligence Summary; Intelligence Spot Reports designed to alert INS managers to events with potential impact on INS; Intelligence Bulletin to notify field personnel of developing fraud/illegal immigration trends, and Strategic Assessments to examine the long range potential for migration to the United States.

	1981 Appropriation Anticipated		1982 Base		1982 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Research and Development.....	4	\$530	4	\$537	4	\$537	...	...

Long-Range Goal: To improve capability of the INS in detecting and apprehending illegal entrants and drug smugglers into the United States and provide technological guidance in support of all INS operations.

Major Objectives:

Research, develop, apply, and evaluate surveillance, identification, advanced/satellite communications, security/safety technologies and systems to more effectively support the operating programs in detecting illegal alien and related drug intrusions over thousands of miles of border, as well as the interior of the United States with emphasis on automation, reliability, and efficiency.

Provide scientific and technological coordination with and support to the Office of National Drug Control Policy.

Develop operations research systems to determine optimal use of existing Detection and Deportation resources. Research and develop capital budgeting systems to determine optimal location of additional Detection and Deportation capital resources.

Provide liaison with the Federal, industrial, and university research and development communities to stimulate, maintain, and integrate technical work relevant to high priority interests of INS.

Base Program Description: The function of the Research and Development program is to examine problems of the Service and to develop new or adopt existing technologies for their solution. The objectives of this program are pursued through in-house, contract, interagency agreement and information interchange activities. These activities cover signal processing radar, infrared imaging, low light level television, stationary and mobile platforms, communications, microprocessing, data processing, automatic controls, digital and analog techniques, pattern recognition, simulation, test and evaluation, and systems analysis.

Accomplishments and Workload: The Research and Development program seeks to maintain a technological base in areas crucial to the successful execution of INS operations. Accomplishments include the following:

Initial investigations are being made into automatic biometric analysis of individuals, specifically facial recognition. It is a complex and relatively new technology that will recognize and identify human faces of individuals, without their active participation, by comparing reference images in a database. This technology is being developed to monitor human traffic flow at airports, train stations, and other ports-of-entry in order to positively identify known illegal and criminal aliens, terrorists, and drug traffickers.

Production of 15 Improved Image Enhancement Vehicles has been completed in conjunction with the Department of the Army and will allow both the military and INS to use a low cost, automated, mobile surveillance system. Research and Development personnel have completed the final phase of a feasibility analysis to develop a new approach to high-quality, low-cost, uncooled infrared imaging based on semiconductor fabrication technology combined with new miniaturization fabrication techniques.

A border surveillance and control project has been initiated to inventory existing INS surveillance capabilities on the U. S. borders, evaluate existing sensor technologies, and to analyze the mix of technologies, manpower, and logistical support needed to make our borders secure from intrusion by illegal aliens and drug traffickers in the most effective and efficient manner.

An analysis of protective systems, such as body armor and ballistic helmets, is being performed to ensure the safety of INS personnel in performance of their duties.

INS, other law enforcement agencies, and the Department of Defense are evaluating capabilities and requirements for a coordinated satellite communications system. This is both a mid-term (through 1994) and long-term (through 2015) evaluation, in order to determine the most cost-beneficial and effective systems for all of the participating agencies. INS is also participating in another interagency research project to coordinate development of taggants with other law enforcement agencies and the Department of Defense.

1991 Appropriation		1992 Base		1991 Estimate		Increase/Decrease	
Anticipated		Perm.		Perm.		Perm.	
Fos.	NY Amount	Fos.	NY Amount	Fos.	NY Amount	Fos.	NY Amount
13	12 424,075	13	12 817,135	13	12 824,232	...	... 87,097

Construction and Engineering.....

Long Range Goal: To provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Immigration and Nationality Act.

Major Objectives:

Construct, alter and maintain effective, safe, energy conserving, and attractive facilities.

Construct a new traffic checkpoint at San Clemente, CA.

Construct border patrol stations at Yuleta, TX; Brownfield, CA; and Laredo, TX.

Construct 300 bed lockdown dormitory at Krome SPC, Florida.

Expansions of El Centro, CA; Florence, AZ; and El Paso, TX Service Processing Centers.

Base Program Description: The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the Service is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease, by INS construction and through assignment by airport authorities. New inspection facilities are coordinated as necessary with U.S. Customs Service, Public Health Service, Department of Agriculture, GSA, State, county, local airport and foreign authorities.

Accomplishments and Workload: Accomplishments of the Construction and Engineering Program are presented in the following table:

Item	Estimates			
	1989	1990	1991	1992
Major New Construction Projects.....	18	9	15	21
Verify GSA billings.....	433	438	450	450
Building Evaluations.....	18	18	18	18
Design Support Projects.....	15	30	34	35
Airport Projects.....	25	30	48	48
SF-81/144 (Request for Space) sent to GSA (Servicewide) 1/.....	60	54	60	40

1/ These workload statistics reflect the number of actions processed and are not necessarily driven by available resources. The documents included in this item are initiated for increases in space, decreases in space, relocation of offices, revisions to existing space, consolidation of operations, and GSA-mandated moves.

Program Changes:

	1992 Base			1991 Estimate			Increase/Decrease	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Construction and Engineering.....	13	12	\$17,135	13	12	\$24,232	...	\$7,097

Two program changes totalling \$7,097,000 are requested in 1992 as follows:

Detention and Deportation - Renovation and expansion of existing facilities - \$3,497,000

In 1990, INS received authority to use Bureau of Prison funds transferred from 1989 Assets Forfeiture Fund resources for the construction of 220 additional beds at the El Centro, CA SPC--an increase of 64 percent in the rated capacity of this facility. Based on current estimates, these beds will come on-line in 1991. To safely accommodate this increase in the number of detainees, resources of \$3,497,000 are requested to construct a recreation facility and renovate and expand the processing center/medical clinic/dining hall at the El Centro SPC.

Border Patrol - Station Construction - \$3,600,000

\$1,200,000 is requested in 1992 to complete the construction of the Brownfield, CA Border Patrol Station partially funded in 1991. Without this funding the Service will not have the resources to extend utilities (water, sewer, electric) to the proposed station. This station will accommodate a staffing level of 207 agents. A covered parking shelter and a fuel island facility also will be constructed. The existing station is located in an old woodframe building which was part of the Navy outlying Auxiliary Training Facility, now the Brownfield Airport. The City of San Diego obtained a major portion of the Navy facility when it was closed and leases the station building to INS. The City plans to develop the terminal area of the airport, where the station is located, beginning in early 1991, and will not renew the INS lease.

\$2,400,000 is requested in 1992 to construct a Border Patrol Station in Laredo, Texas. The current 7,000 square foot facility was designed for 50 agents and has only 600 square feet of detention space. There are currently 128 agents on duty. A large new border crossing is expected to open in the area in 1992 and will result in a significant increase in the number of illegal aliens in the area. The new 12,000 square foot facility is necessary to support the expected increase in workload by doubling the detention space as well as providing room to accommodate the increased number of agents.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.
Field Management											
and Support.....	235	262	\$20,394	285	262	\$21,593	285	262	\$21,593	...	...

Long Range Goal: To provide management direction to field units that implement major policy and management decisions for more than one program.

Major Objectives:

Ensure effective law enforcement and uniform implementation of INS policy, procedures and operational goals; provide efficient service to the public; and devise techniques and procedures for responding to regional and local conditions and circumstances.

Base Program Description: The function of this program is to provide management direction and support for the implementation and operation of regional and field activities and functions. This program includes managers and supervisors who are charged with responsibility for, and exercise authority over, multiple programs. The staff consists of district directors and officers-in-charge, their deputies and secretaries and administrative support at the field office level.

Accomplishments: The Field Management and Support program provides management direction to field units on implementing INS policy and initiatives. This program provides the necessary management direction and administrative support at the field level for the Service's commitment to strengthen its enforcement efforts as well as improve service to the public. The staff consists of district directors and officers-in-charge, their deputies and secretaries and administrative support at the field office level.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Legal Proceedings	459	431	\$28,824	459	431	\$30,607	519	461	\$33,490	60	30
											\$2,883

Long Range Goal: To provide legal representation for the United States Government in all cases and matters arising before Immigration Judges and the Board of Immigration Appeals; represent INS in all other contested administrative hearings in which the agency is involved; provide legal advice and support to INS operating personnel; represent INS in all cases being tried in the Federal courts; and consult, train and provide legal support for interagency efforts in combatting the threat to the Nation posed by illegal alien criminals.

Major Objectives:

Provide training for attorneys and enforcement personnel in employer sanctions.

Represent the Service before administrative bodies and Federal courts in employer sanctions matters.

Provide litigation and consultation support to interagency task force operations to effect the expeditious deportation of criminal aliens and thereby reduce costs of incarceration.

Provide litigation assistance in Federal and local drug and organized crime task forces.

Provide litigation support in developing removal strategies for criminal aliens to effect their expeditious exclusion and/or deportation.

Furnish legal counsel and training in immigration law for enforcement officers of state, local, and other Federal agencies for identification and expeditious processing of alien drug traffickers and criminals.

Base Program Description: INS attorneys represent the Service before Immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and boards of contract appeals. The program provides litigation support in agency litigation being conducted in United States District courts, Courts of Appeals, and the Supreme Court. Attorneys provide advice to the Central Office, regional commissioners, district directors, and border patrol sector chiefs on legal matters arising at all levels of agency operations. The attorneys also assist interagency task forces in developing cases and removal strategies for criminal aliens.

Accomplishments and Workload: Accomplishments of the Legal Proceedings program are presented in the following table:

Item	Estimates		
	1989	1990	1991
Non Sanctions Workload:			
Trial Attorney Appearances.....	236,516	266,107	267,000
Discovery.....	790	703	750
Cases Prepared.....	241,517	294,007	295,000
Preparation of Legal Briefs.....	17,392	23,356	23,400
Legal Consultation.....	153,458	173,842	173,900
Legal Memoes.....	9,572	11,252	11,300
Collection of overdue debts (\$000's).....	\$10,000	\$1,536	\$5,000
Sanctions Workload:			
Notices of Intent to Fine:			
			284,400
			800
			314,000
			24,900
			185,200
			12,000
			\$3,500

Item	Estimates		
	1989	1990	1991 1992
- Received.....	4,905	2,961	3,000 3,000
- Completed.....	4,562	2,919	3,000 3,000
Consultations and Legal Advice Completed.....	32,858	26,305	26,350 26,350
Legal Opinions and Memoranda.....	5,446	4,687	4,690 4,690
Training Completed.....	1,333	1,082	1,090 1,090
Administrative Law Judge Cases:			
- Received.....	1,088	803	850 850
- Completed.....	776	777	800 800
Administrative Law Judge Case			
Appearances Completed.....	485	511	550 550
Other Administrative Law Judge			
Matters Completed.....	7,608	8,682	8,690 8,690

Other accomplishments include:

1. Employer Sanctions

Success of the Mock Hearing Program continues to ensure the quality of the cases being litigated. As a result, INS has received favorable decisions in all Employer Sanctions cases tried to date before an administrative law judge. These decisions have proven to be crucial to the development of employer sanctions law.

Creation of the Index of Case Decisions on Employer Sanctions and the Digest of Case Decisions on Employer Sanctions. These newly created reference tools for sanctions attorneys have already proven to be effective time-savers in researching particular points of law in sanctions cases.

Updating of the Employer Sanctions Litigation and Computerized Forms Manuals. The Litigation Manual provides field attorneys with a ready reference tool on how to prepare for and conduct a sanctions hearing.

Continuation of the Employer Sanctions Legal Advisory Committee. Created during the early stages of employer sanctions, the committee continues to be of immense value in resolving complex legal issues as well as providing field offices with input on major employer sanctions legal matters.

Updating of the Basic Training Course in Employer Sanctions and creation of a comprehensive Employer Sanctions Advanced Attorney Training Course.

Development of an Advanced Training Course for enforcement officers. Now that enforcement personnel have gained experience over the past three years in investigating employer sanctions cases, the need has arisen for an advanced training course.

Providing training at the Federal Law Enforcement Training Center (FLETC). Experienced sanctions attorneys conduct training in employer sanctions for Service Special Agents and Border Patrol Agents at the FLETC facilities in Glynco, Georgia and Artesia, New Mexico.

2. Criminal Alien Program

The Legal Proceedings program emphasizes the identification and deportation of criminal aliens. New legislative packages have been developed that broaden the definition of "aggravated felons" and allow for expedited removal. Legislation has also been prepared for expedited exclusion of any criminal alien arriving in the United States. Attorneys have been placed in all INS district offices to coordinate alien programs. In cooperation with the Executive Office of Immigration Review and state correctional systems, institutional hearing programs have been established in most states. This allows for the completion of hearings and the deportation of criminal aliens immediately upon release from detention. Further, the Legal Proceedings program is working with the State Department, Bureau of Prisons, and other interested agencies to further enhance programs that allow for the serving of sentences in countries where the alien originated.

The Legal Proceedings program has also worked closely with the Department of Defense to define the parameters of aid to INS at the border to assist in the detention, prosecution, and subsequent deportation of criminal aliens. This initiative has resulted in enhanced border apprehensions and prosecutions.

Program Changes:

	1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.		
Legal Proceedings	459	431	\$30,607	519	461	\$33,490	60	30	\$2,883

The Immigration Act of 1990 (Section 512) authorizes 20 additional immigration judges for the Executive Office of Immigration Review (EOIR), specifically to facilitate and expedite deportation of criminal aliens. Accordingly, EOIR has requested these resources in its 1992 budget request. At a ratio of two attorneys for each immigration judge, INS will need an additional 40 trial attorneys and 20 support positions to accommodate the increased workload resulting from the additional judges. There are an estimated 125,000 criminal aliens already housed in Federal, State and local correctional facilities most of whom will end up in deportation proceedings. Without adequate legal resources to support the Federal position in these cases, the legal system becomes backlogged and ineffective.

The new attorney positions will be assigned to those areas with the largest concentrations of criminal aliens, including New York, Illinois, Florida, Texas and California. Besides expediting deportation hearings for criminal aliens, the additional staff will allow INS to expand its institutional hearing program at both State and Federal levels.

Included in this request is \$350,000 for law libraries and JURIS/LEXIS automated legal support. This increase will support the current workforce and provide the necessary automated and manual legal research tools for each attorney and support position.

Activity: Program Direction	1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY	Amount
Executive Direction and Control.....	101	95	\$8,535		101	95	\$8,948		...	...	...	...
Administrative Services.....	404	379	47,228		404	379	53,400		...	...	...	\$1,479
Total.....	505	474	55,763		505	474	62,348		6	4	6	1,479
Executive Direction and Control.....	1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY	Amount
Executive Direction and Control.....	101	95	\$8,535		101	95	\$8,948		...	...	...	...

Long Range Goal: To increase the effectiveness of the Service through the use of Mission Plan goals and strategies; formulate and coordinate meaningful and consistent policy; provide program direction throughout all levels of the Service; and evaluate policy with a view toward recommending practical changes.

Major Objectives:

Provide for continuity, coordination and control of the overall management and administration of INS.

Direct Service-wide policy and implementation responsibilities.

Implement Immigration Reform.

Improve agency responsiveness through continued enhancement of management systems including:

- Maintaining and refining delegations of authority and requirements for accountability for National policy direction, regional implementation, and district and sector execution, including appropriate control of resources;
- Continuing to emphasize and institutionalize INS' Management by Objectives (MBO) system with further integration between mission and priority planning and systems of resource allocation and control; and continuing rapid development of information systems to meet the needs of management and immigration policy formulation.
- Increase leadership in the formulation of National Immigration policy.

Base Program Description: The function of this program is to effectively execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources. Included in this program are duties related to: (1) providing executive direction and control of the service; (2) providing management to the service in such areas as contracting, and Equal Employment Opportunity; (3) furnishing accurate and prompt responses to Congressional and public inquiries; (4) administering and maintaining an effective budgeting system, and (5) developing and evaluating policies and systems to improve the effectiveness of Service programs.

Accomplishments and Workload: Accomplishments of the Executive Direction and Control program are presented in the following table:

Item	1989	1990	Estimates	
			1991	1992
Congressional Affairs				
Telephone replies	26,068	24,108	24,000	24,000
Written replies	5,687	5,389	6,000	6,000

Major areas of emphasis within the overall Executive Direction and Control program have been improved. More effective management of the agency and enhanced operational effectiveness have been achieved through the concentration of effort on high-priority activities and immigration policy leadership. For example, a team of Immigration Service experts was assembled at Headquarters to write regulations and provide guidance and instructions concerning key areas of the Immigration Act of 1990 including: Temporary Protected Status of El Salvadorans, which took effect in late 1990; the Administrative Naturalization provisions of the Act; the enforcement provisions of the Act; and other adjudications related provisions of the Act.

Responsibilities of the Comptroller's Office have increased significantly during the past several years. In addition to the appropriated accounts, four reimbursable accounts have been added to the Service. The Comptroller's office managed resources totalling over \$1 billion for fiscal year 1990. In 1990, the Office of the Comptroller conducted monthly financial reviews as well as detailed quarterly fiscal reviews that involved the Executive staff, regions and program managers input in resolving problem areas.

	1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	MY Amount		Perm. Pos.	MY Amount		Perm. Pos.	MY Amount		Perm. Pos.	MY Amount
Administrative Services	404	379	\$47,228	404	379	\$53,400	410	383	\$54,879	6	\$1,479
Long Range Goal: To provide the full range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements											

Major Objectives:

Provide personnel and equal opportunity support services and program direction.

Provide accounting support services and program direction.

Provide property management and procurement support and program direction.

Provide overall management direction and control for all management programs and the full range of security, safety and health support activities.

Base Program Description: The function of this program is to provide for the development, implementation, direction, evaluation and operation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. The major functions within this program include: personnel; accounting; equal employment opportunity; procurement; property management; fleet management; security and health; and other miscellaneous general services which benefit all programs within INS.

Accomplishments and Workload: Accomplishments of Administrative Services program are presented in the following table

Item	Estimates		
	1989	1990	1991 1992
Personnel Actions.....	92,365	81,340	114,000 1/ 143,000 1/
Bills.....	27,034	28,000	28,700 28,700
Vouchers.....	200,000	202,547	256,000 257,000
Collection of Fines, Fees, etc. (\$000's).....	371,678	372,000	372,000 380,000
SGO Eval. & Asst. Mgmt. Officials.....	458	589	654 699

1/ Increases in personnel actions are due to normal changes in the personnel and pay status of employees and the hiring of temporary and intermittent employees.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease				
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount			
Administrative Services.....	404	379	\$53,400	410	383	\$54,879	6	4	\$1,479

Total program changes of 6 positions, 4 workyears and \$1,479,000 are requested in 1992. Of this amount 5 positions, 3 workyears and \$205,000 are needed to establish the capability to perform security program reviews. These resources are needed to address serious security program concerns identified as a material weakness in the Attorney General's 1989 A-123 report. Corrective action has begun, but the Service will not be able to establish and maintain a strong security program--one which adequately protects our assets and personnel--unless additional resources are provided. The requested positions will be used to establish a headquarters based security review unit to conduct security assessments of all INS activities. This unit would also be available to provide security training and to respond to ad hoc situations and projects.

Also, included in this request is an additional \$750,000 to acquire 32 new vans. These vehicles are necessary to transport additional detainees.

A program increase of 1 position and 1 workyear and \$524,000 is necessary to support the Department's conversion to the U.S. Department of Agriculture (USDA) Payroll/Personnel System. The requested funding will be used to cover the costs of parallel DOJ/USDA system operation for the duration of the conversion period, as well as to fund unique Departmental system requirements. Conversion to the USDA system will provide substantial automated systems enhancements to personnel and payroll operations in the Department. In addition, it will achieve an OMB/JTMIP objective for the consolidation of Federal personnel/payroll systems.

**Intelligence and Investigations Service
Salaries and Expenses
Financial Analysis - Program Charge
(dollars in thousands)**

Item	Border Control			Diligence			Critical Area Management		
	Inspection			Investigation			Investigation; Print & Report; Data & Com		
	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount
Grades									
GS/DB 11.....	...	...	...	...	...	...	19 878	...	...
GS/DB 12.....	...	...	...	...	...	...	19 725	18 883	...
GS 11.....	...	5 813	...	...	...	...	188 3,478	...	...
GS 12.....	126 83,585	...	...	126 83,585	...	...	...	15 388	...
GS 1.....	...	...	...	...	...	...	...	...	...
GS 4.....	...	...	...	...	...	...	...	178 2,344	...
GS 5.....	...	...	...	15 353	...	...	6 185	67 1,858	...
GS 6.....	...	...	...	...	...	...	...	...	...
Total positions and annual rate.....	126 3,545	5 183	...	126 3,545	...	...	44 1,787	278 7,855	...
Lapse (-).....	(88) (1,776)	(1) (78)	...	(75) (1,868)	...	...	(22) (85)	(164) (4,453)	...
Other personnel compensation.....	54 1,112	...	...	25 364	...	...	...	62 1,244	...
Total officers and personnel compensation.....	173 2,821	3 117	...	186 2,448	...	...	22 853	276 5,174	...
Personnel benefits.....	785	22	...	808	...	...	273	1,328	...
Travel and transportation of persons.....	878	18	...	896	...	...	228	1,218	...
GSA rent.....	341	13	...	353	...	...	135	681	...
Communications, utilities, and other charges.....	134	5	...	139	...	...	...	328	...
Printing and reproduction.....	...	...	...	...	...	...	...	...	...
Other services.....	251	1,261	...	308	...	...	116	25,218	8458
Supplies and materials.....	128	6	...	138	...	...	117	384	...
Equipment.....	644	1,737	...	2,225	...	...	544	1,788	...
Land and structures.....	...	...	...	83,088	...	...	...	...	...
Total program officers and obligations charges requested, 1992.....	173 5,973	3 3,177	...	186 7,228	...	...	22 2,294	776 38,313	658

Line	Critical Office Management (see 1)				Material Revenues				TOTAL
	Contract & Reg : Legal Proceed		Admin Serv		Arti-Supplng		Rels & Com		
	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	
Grds									
GS/GR-11	...	48 \$2,185	...	...	...	...	...	...	48 \$2,185
GS/GR-12	19 879
GS-12	49 1,000
GS-11	112 3,500
GS-9	265 7,500
GS-7	21 650
GS-6	...	29 634	...	...	...	...	...	...	120 2,344
GS-5	21 300
GS-4	67 1,650
Total positions and casual rate	...	48 2,500	...	...	...	...	...	...	734 20,300
Lapse (-)	...	(30) (1,300)	...	...	...	...	...	...	(300) (8,211)
Other personnel compensation	112 2,800
Total machinery and personnel compensation	...	39 1,200	...	...	...	...	...	...	511 12,857
Personnel benefits	...	305	...	...	...	...	...	...	305
Travel and transportation of personnel	...	175	...	...	...	...	...	...	45 3,320
GS rent	...	185	...	...	...	...	...	...	18 1,475
Communications, utilities, and other charges	...	35	...	...	...	...	...	...	6 700
Printing and reproduction	...	250	...	...	...	...	...	...	250
Other services	...	220	...	...	...	...	...	...	544 29,850
Supplies and materials	...	13	...	...	...	...	...	...	7 854
Disposal	...	303	...	...	...	...	...	...	7 8,101
Land and structures	...	\$3,497	...	...	...	...	...	...	7,097
Total program machinery and obligations charges requested, 1997	...	3,497	39 2,803	...	754	3 200	...	1,417	4 770
									511 68,518

**Immigration and Naturalization Service
Building and Facilities
Summary of Construction and Summary of New Facilities Requirements
(in thousands of dollars)**

Project	Budget Request or Appropriation						Current Status Jan. 1991 Oblig. to Date	Expected Completion Date	Estimated Activation Date
	Planning and Site Acquisition		New Construction or Expansion to Existing Facilities		Total Current Cost Est. or Actual				
	Fiscal Year	Amount	Fiscal Year	Amount	Total Funding				
1 Under construction or fully funded									
1 San Pedro Service Processing Center (SPC)	1987	\$1,089	1989	\$13,325	\$14,414	\$13,634	Completed	12/90	2/91
2 Temecula, CA Traffic Checkpoint	1987-88	350	1989	1,600	1,950	1,950	Ready Agree- ment with DOT	1/92	1/92
3 Modifications of Topographical Features (Southern Border)	1988	400	1988-89	3,719	4,119	3,527	Under Construction	12/91	12/91
4 Oatfield II	1987-88	1,000	1988	13,000	14,000	14,000	Ready Agree- ment with BOP	5/91	5/91

Project	Budget Request or Appropriation									
	Planning and Site Acquisition		New Construction or Expansion to Existing Facilities		Total		Current Status		Expected Completion	
	Year	Amount	Year	Amount	Year	Amount	Jan. 1991	Oct. 1991	Date	Date
							By or	By or		
							Actual	Actual		
1 Under construction or fully funded (Continued):										
5 Blaine, WA Border Patrol Station (BPS)	1989		1989	\$470	\$470	\$470	\$470	\$470	4/91	4/91
6 Buckleupville, TX* BPS	1982-89	\$45	1982-89	400	445	445	445	370	7/90	7/90
7 Appleton, PR SPC (Phase I)	1989	144	1989	535	679	679	679	511	2/91	2/91
8 El Paso, TX SPC*	1991	248	1991	1,822	1,822	1,923	1,923	...	11/94	12/94
9 El Centro, CA SPC*	1991	78	1991	2,722	4,272	4,272	4,272	...	11/93	12/93
10 Phoenix, AZ SPC*	1991	796	1992	878	3,905	3,905	3,905	...	8/92	9/92
11 Uvalde, TX BPS*	1982-89	30	1982-89	400	430	430	430	335	7/90	7/90
12 Ft. Isabel, TX BPS	1989	46	1989-90	491	537	537	537	46	2/93	1/91

in process - contract for A/E design contract

Project	Budget Request or Appropriation				Total Funding	Total Current Cost Bt. or Actual	Current Status Jan. 1991 Oblig. to Date	Stage of Program	Expected Completion Date	Estimated Activation Date
	Planning and Site Acquisition		New Construction or Expenditure to Existing Facilities							
	Fiscal Year	Amount	Fiscal Year	Amount						
1 Under construction or fully funded (Continued)										
13 Cooper Canyon, TX** BPS	1988-89	\$255	1988-89	\$593	\$848	\$848	\$167	In procure- ment for A/B Design Contract	2/93	3/93
14 Brownfield, CA** BPS	1989	356	1991	2,500	2,500	3,700	293	In procure- ment for A/B Design Contract	3/93	4/93
15 Yulea, TX BPS	1988-89	449	1989-91	1,000	1,449	1,449	449	Land acquired	4/91	4/91
16 San Clemente, CA Checkpoint	1991	10,000	1992-93	22,000	32,000	32,000		Under Review	7/95	7/95
17 Krome, FL SPC	1991	400		4,100	4,500	4,500		Statement of Work for design	9/94	10/94
18 Alpine, TX Traffic Checkpoint	1991	81	1991	113	194	194		Statement of Work for design	6/91	6/91
19 Marathon, TX Traffic Checkpoint	1991	81	1991	113	194	194		Under Study	4/94	4/94

* See acquisition was done with funds made available from Immigration Reform and control Act

** Additional funds (\$1,200,000) are requested in 1992 for salaries of employees costs

* See acquisition was done with funds made available from Immigration Reform and control Act

** Additional funds (\$1,200,000) are requested in 1992 for salaries development costs

Project	Budget Request or Appropriation										Current Status Jan. 1991	Stage of Program
	Planning and Site Acquisition		New Construction or Expansion in Existing Facilities				Total		Total			
	Fiscal		Fiscal		Fiscal		Fiscal		Est. or Actual			
	Year	Amount	Year	Amount	Year	Amount	Year	Amount	Year	Amount		
II Planned Facilities.												
1 Laredo, TX BPS	1992	\$360	1992	\$2,400		\$2,400		\$2,400		\$2,400	...	Under Study by FHIA
2 El Centro, CA SPC (Modifications)	1992	...	1992/93	3,497		3,497		3,497		3,497	...	Statement of work for Design
III Under Consideration.												
1 Boston, MA SPC	1991	70	1992/93	633		725		725		725	...	Under Study
2 Reservations at Vicksburg SPC	1991	...	1991	617		617		617		617	...	Under Study
3 Aguadilla, PR SPC	1991	1,090	1992	1,560		2,650		2,650		2,650	...	Under Study
4 Spokane, WA BPS	1989	...	1989	525		525		525		525	...	GSA wall study
5 Ft. Isabel, TX SPC	1991	71	1991	882		953		953		953	...	Under Study
6 El Centro, CA BPS	1992	360	1992	2,040		2,400		2,400		2,400	...	Under Study
7 Nogales, AZ BPS	1992	330	1992	1,878		2,208		2,208		2,400	...	Under Study
8 Yuma, AZ BPS	1992	390	1992	2,210		2,600		2,600		2,400	...	Under Study

Immigration and Naturalization Service
Salaries and Expenses

Status of Congressionally Requested
Studies, Reports, and Evaluation

1. The appropriation legislation (Report 101-909 of the 102nd Congress) provided for the Immigration and Naturalization Service (INS) to establish, by regulation, a pilot program to study the feasibility of charging user fees to enhance services at land border ports of entry and may include the establishment of computer lanes.

The regulation establishing the pilot project is currently being drafted by INS. The application form is being developed and will be submitted to OMB for approval. The Congressional authorization for the establishment of the pilot program was given in response to a program, the planning of which was already underway, in Blaine, Washington. Plans for site selection and opening target dates are being developed for submission to the Congress. The INS will submit the required reports to the Committees on Appropriations in a timely fashion, 30 days prior to implementation.

2. The appropriation legislation (Report 101-909 of the 102nd Congress) provided for the INS to submit annually a statement on the financial condition of the "Immigration User Fee Account." The statement shall include a workload analysis showing the current and projected need for inspectors, the success rate in meeting the 45 minute inspection standard on scheduled airline flights, and a report on the utilization of the United States citizen by-pass.

The reporting requirements will be included in the Annual Report on the "Immigration User Fee Account", due March 31 of each year.

3. The appropriation legislation (Report 101-515 of the 102nd Congress) provided for the INS to submit a report on the review of staffing levels at Blaine, Lynden, Point Roberts and Sumas ports of entry in Whatcom County, Washington.

INS is undertaking a total review of all land border staffing levels and intends to implement where indicated a comprehensive realignment of resources during FY 1991. A near term review of port staffing at the Whatcom County facilities resulted in the FY 1990 assignment of 12 additional full-time officers. Nine were hired at Blaine and one each at Lynden, Sumas, and Point Roberts. This increase, retaining the staff at Whatcom County

ports by 34 percent, has allowed the Service to materially improve its facilitation efforts at these locations. Until new positions become available, the Seattle District staffing structure must continue to employ these officers on a overhire basis. Revenue generated from the land border inspections pilot project, cannot be used to hire permanent positions due to the 3-year sunset conditions.

The Service will forward to the Congress the results of the land border staffing study. The study is expected to be concluded early in the coming year.

4. The Senate Committee on Appropriations, in Senate Report 101-515, page 52, requests the INS provide quarterly reports regarding refugee processing. The reports are to include quarterly statistics on refugee approvals and denials, and information on the number of individuals paroled into the United States.

The Service is required to report quarterly statistics on refugee approvals and denials and individuals paroled into the United States no longer than 30 days from the end of the quarter. However, quarterly statistics on refugee approvals and denials do not become available until approximately two months after the close of the quarter. Therefore, INS remains unable to provide information to the Congress within the established time frame of 30 days, although the information is transmitted once statistics are available. The processing report for the fourth quarter has been completed during December and has been transmitted to the Congress.

5. The Senate Committee on Appropriations, in Senate Report 101-515, page 52, requests the INS provide quarterly reports regarding refugee processing. The reports are to include information on processing projections and anticipated staffing needs.

The Service is required to project refugee processing activity for each quarter of FY 1991 not less than 15 days before the beginning of each quarter. To project INS refugee processing activity throughout the quarter, the Service uses, as its guide, the quarterly authorization of refugee admissions numbers issued by the Department of State prior to the beginning of each quarter. To the extent that this information is available in advance of the 15 day deadline, INS will be able to provide its processing projections within the established time frame.

Immigration and Naturalization Service

Salaries and Expenses

Priority Rankings

Base Program		Program Increase	
Program	Ranking	Program	Ranking
Inspections	1	Detention and Deportation	1
Border Patrol	2	Construction and Engineering	2
Investigations	3	Investigations	3
Detention and Deportation	4	Data and Communications	4
Anti-Smuggling	5	Inspections	5
Intelligence	6	Legal Proceedings	6
Training	7	Administrative Services	7
Information and Records Management	8	Anti-Smuggling	8
Legal Proceedings	9		
Employer and Labor Relations	10		
Data and Communications	11		
Construction and Engineering	12		
Administrative Services	13		
Executive Direction and Control	14		
Field Management and Support	15		
Research and Development	16		

**Immigration and Naturalization Service
Salaries and Expenses
Detail of Personnel Payments by Category
Fiscal Years 1990-1992**

Category	1990 Authorized	1991 Budgeted	1992					Total
			Transfers to Executive Office	Border Control	Employees of External Staff	Contracted Management	Marital Expenses	
Attorneys (951)	328	309	-	-	-	-	-	349
Paralegal Specialist (956)	5	5	-	-	-	-	-	5
Other Legal and Kindred (900-999)	500	491	-	-	-	-	-	511
Contract Representative (962)	279	279	-	-	-	-	-	279
General Enforcement & Support (1800-1999)	601	585	-	-	150	-	-	735
Directorate and Inspection Office (1801)	292	272	-	-	-	-	-	464
Directorate Enforcement Office (1802)	551	551	-	-	-	-	-	700
Chemical Investigations (1811)	1,357	1,540	-	-	-	-	-	1,539
Chemical Investigations (1816)	1,002	966	-	133	-	-	-	1,121
Border Patrol Agents (1896)	4,089	4,229	-	-	-	-	-	4,233
Other Miscellaneous Occupations (801-099)	21	21	-	-	-	-	-	21
Social Sciences, Economics and Kindred (1100-199)	214	214	-	-	-	-	-	233
Principal Management (200-299)	214	214	-	-	-	-	-	214
General Administrative and Clerical (300-399)	2,169	1,956	-	5	-	-	-	2,032
Accounting and Budget (500-599)	146	146	-	-	-	-	-	146
Medical, Dental and Public Health (600-799)	7	7	-	-	-	-	-	7
Engineering and Architecture (800-899)	93	90	-	-	-	-	-	90
Information and Arts Group (1000-1099)	46	46	-	-	-	-	-	46
Business and Industry Group (1100-1199)	43	43	-	-	-	-	-	43
Physical Sciences Group (1200-1299)	4	4	-	-	-	-	-	4
Mathematics and Statistics Group (1300-1399)	29	29	-	-	-	-	-	29
Management and Business Services (1400-1499)	9	9	-	-	-	-	-	9
Equipment Facilities and Services (1500-1599)	10	16	-	-	-	-	-	16
Education Group (1700-1799)	64	64	-	-	-	-	-	64
Supply Group (2000-2099)	79	79	-	-	-	-	-	79
Border Patrol Plane (2111)	12	12	-	-	-	-	-	12
Transportation (2100-2199)	215	215	-	-	-	-	-	215
Other (WFO)	12,388	12,221	-	140	150	-	-	12,554
Total	935	878	-	140	150	-	-	914
Washington	18,192	11,343	-	140	150	-	-	12,040
U.S. Field	271	271	-	140	150	-	-	412
Foreign Field	12,318	12,221	-	140	150	-	-	12,554

IMMIGRATION & NATURALIZATION SERVICE
SALARIES & EXPENSES
SCHEDULE OF MOTOR VEHICLE REQUIREMENTS

METHOD OF ACQUISITION AND TYPE OF VEHICLE	1989			1990			1991			1992			END-OF YEAR
	END-OF YEAR INVENTORY	ACQUIRED	DISPOSED	END-OF YEAR	ACQUIRED	DISPOSED	END-OF YEAR	ACQUIRED	DISPOSED	AVERAGE COST	ACQUIRED	DISPOSED	
SEIZED VEHICLE	...	...	...	...	...	...	...	...	...	...	...	...	...
LIMOUSINE	1,155	111	111	1,155	162	162	1,155	120	120	815,445	...	...	1,155
LARGE SEDANS	843	23	23	843	7	7	843	52	52	13,537	...	...	843
MIDSIZE SEDANS	963	105	105	963	...	...	963	7	7	12,431	...	...	963
SUBCOMPACT SEDAN	182	16	16	182	...	...	182	...	...	...	...	...	182
STATION WAGON	53	...	...	53	...	...	53	2	2	16,809	...	...	53
VAN	1,195	110	110	1,195	247	247	1,195	53	53	22,766	...	...	1,227
AMBULANCE	1	1	1	1	...	...	1	...	...	...	...	...	1
BUS, INTERURBAN	91	2	2	91	...	...	91	5	5	254,084	...	...	91
BUS, SCHOOL TYPE	22	1	1	22	...	...	22	3	3	81,487	...	...	22
SPECIAL PURPOSE	1,031	57	57	1,059	82	82	1,059	...	...	...	...	...	1,059
4 WHEEL DRIVE	173	16	16	173	107	107	173	133	133	18,960	...	...	173
CARRYALL, 4x4	1	1	1	1	...	...	1	45	45	21,477	...	...	1
OTHER	...	...	...	...	...	...	...	...	...	...	...	...	...
TRUCKS	331	21	21	331	22	22	331	45	45	12,718	...	...	331
PICK UP	14	...	...	14	4	4	14	...	...	...	...	...	14
12,000 OR WT	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL PURCHASED	6,055	466	439	6,082	631	631	6,082	467	435	320,346	...	...	6,114
LEASED/SEIZED	...	...	...	...	...	...	...	...	...	...	...	...	...
SEIZED OR NO COST	...	...	...	...	...	...	...	...	...	...	...	...	...
EXCESS	...	...	...	...	...	...	...	...	...	...	...	...	...
LIMOUSINE	87	22	22	87	19	22	84	11	7	...	...	...	84
LARGE SEDAN	127	32	32	127	23	16	134	17	12	...	...	...	141
MIDSIZE SEDAN	409	72	60	421	56	101	374	190	144	...	...	...	422
OTHER	613	126	114	635	100	139	594	218	163	...	...	...	631
TOTAL SEIZED	6,678	592	553	6,717	731	770	6,678	465	598	...	...	...	6,765

**Immigration and Naturalization Service
Salaries and Expenses
Schedule of Aircraft**

Type of Aircraft (Passenger Capacity)	1989 End-of- Year Inventory	1980			1981			1982			
		Acquired	Disposed	End-of-Year	Acquired	Disposed	End-of-Year	Acquired	Average Cost	Disposed	End-of-Year
Direct Purchases:											
Fixed Wing:											
Single engine (4)	47	...	3	44	...	15 *	29	...	...	...	29
Two engine (8)	1	...	...	1	...	...	1	...	...	...	1
Helicopter:											
Single engine (4)	6	16 **	...	22	...	1	21	1	\$1,400,000	...	22
Subtotal purchased	54	16	3	67	...	16	51	1	1,400,000	...	52
Seized or no excess:											
Fixed wing:											
Single engine (6)	3	3	...	6	...	...	6	...	...	...	6
Two engine (8 & 48)	6	...	...	6	...	...	6	...	...	...	6
Subtotal seized	9	3	...	12	...	...	12	...	...	...	12
Borrowed:											
Helicopter:											
Single engines (4)	16	...	16	...	16	...	16	...	...	...	15
Subtotal leased	16	...	16	...	...	...	16	...	...	...	15
Total Aircraft	79	19	19	79	16	16	78	1	1,400,000	...	79

* DNS is waiting GSA approval for disposal.

** Success OH-6A helicopters formerly on loan from the military were transferred, without charge, to DNS ownership in 1990.

 Immigration and Naturalization Service

Salaries and expenses

Summary of Change

(Dollars in thousands)

	Per- Pos.	Month- years	Percent
Department of Justice Appropriations Act, 1991.....	12,423	12,202	984,000
Treasury, Postal Service and General Appropriations Act, 1991.....	...	...	1,637
1991 as enacted.....	12,423	12,202	986,637
Adjustments in permanent positions and workyears.....	(203)	(202)	...
1991 appropriation anticipated.....	12,221	12,000	986,637
Adjustments to the base:			
Transfers to the Executive Office of Asset Forfeiture.....	(1)	(1)	(76)
Mandatory increases:			
One additional compensable day.....	...	...	1,592
1971 Pay Reallocation.....	...	...	3,644
1992 Pay Raise.....	...	...	13,343
Reallocation of positions requested in 1991.....	...	125	4,354
Reallocation of Executive Level and Executive Service Increases.....	...	...	133
Special salary rates.....	...	22	...
Federal Law Enforcement Pay Reform Act of 1990.....	...	...	16,775
Federal Law Enforcement Pay Reform Act of 1990 (civilian component).....	...	...	6,887
Accident Compensation.....	...	...	1,246
Unemployment Compensation Redistribution.....	...	...	201
Health Benefits.....	...	...	3,129

	Gen. Pos.	Work- years	Amount
Federal Insurance Contribution Act.....	...	...	072
Travel Allowance.....	...	...	173
Government Printing Office (GPO) and Departmental Printing.....	...	...	141
Security Investigations.....	...	...	82
Security Investigations.....	...	...	5,847
General Services Administration (GSA).....	...	...	4,911
Total, mandatory increases.....	...	125	72,922
Decreases:			
Nonrecurring costs for equipment received in 1991.....	...	...	(15,000)
Nonrecurring costs for land and structures received in 1971.....	...	...	(17,880)
Nonrecurring costs for EOB new positions approved in 1991.....	...	...	(12,199)
Financial Operations and System Service (FOS).....	...	...	(388)
Nonrecurring costs for vehicles received in 1991.....	...	...	(12,000)
Total, decreases.....	...	...	(115,973)
1992 Base.....	12,220	12,124	939,308
Program changes:			
Program Increases.....	734	368	64,310
1992 Estimate.....	12,954	12,492	1,003,618

Immigration and Naturalization Service
Salaries and expenses
Justification of Adjustments to Base
(Dollars in thousands)

Transfers to and From Other Accounts:

This transfer allows for the reassignment of 1 position, 1 workyear, and \$76,000 to the Department of Justice's Executive Office of Asset Forfeiture..... -1 -1 -376

Mandatory:

- 1 One Additional Compensable Day. The annual salary rate for Federal employees is based on 260 paid days. 1992 has one more compensable day (261) than 1991 (260). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$1,199,000 for pay and \$303,000 for benefits 1,502
- 2 1991 Pay Annualization. This pay annualization represents only first quarter amounts (October through December) of the 1991 4.1 percent pay increase effective in January of 1991 plus appropriate personnel benefits (\$2,916,000, pay and \$769,000 benefits) 3,684
- 3 1992 Pay Raise. This request provides for the proposed 4.2 percent pay raise to be effective in January of 1992 and is consistent with Administration policy. The amount requested, \$19,543 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$15,591,000 pay and \$3,952,000 benefits) 19,543

1705

	<u>Pos.</u>	<u>NY</u>	<u>Amount</u>
8. <u>General Pay Reform Costs.</u> The request for costs covered by the Federal Employees Pay Comparability Act of 1990 established essential Departmental cost requirements for this new government-wide pay system, which attempts to achieve full pay parity between Federal and non-Federal employees on geographic basis. This increase allows \$6,887,000 for fifty percent of the Department's request for two provisions contained under this Act: staffing differential costs for GS-5,7,9, occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan statistical areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide adjustments for new positions, appropriate benefits, vacancy rates and cost-of-living increases. No increases are requested for discretionary allowances....	\$6,887
9. <u>Accident Compensation.</u> This increase reflects the billing provided by the Department of Labor for the actual costs in 1990 of employees' accident compensation. The 1992 amount will be \$7,328,000, or \$1,246,000 over the 1991 base.....	1,246
10. <u>Unemployment Compensation Redistribution.</u> This increase reflects the most recent complete annual billing provided by the Department of Labor for employees' unemployment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. The 1992 amount will be \$201,000 over the 1991 base.....	201
11. <u>Health Benefits.</u> The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be sixty percent of the total rate commencing in 1975. Effective the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 16 percent due primarily to changes in enrollment plan since several plans are no longer available. The requested increase of \$3,129,000 provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year....	3,129
12. <u>Federal Insurance Contribution Act.</u> Beginning the first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated increased to \$51,300. In addition, the rate increased to 7.65 percent. Medicare rates remained at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. This increase of \$872,000 is computed based on these rate changes.....	872

	<u>Pos.</u>	<u>NY</u>	<u>Amount</u>
13. <u>Travel Mileage.</u> The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$173,000 for this change in allowance.....			\$173
14. <u>Government Printing Office (GPO) and Department Printing.</u> GPO is currently projecting a six-percent increase over the 1991 printing costs of \$2,350,000. An additional \$141,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.....			141
15. <u>Security Investigations.</u> The Office of Personnel Management (OPM) has notified users of an 8 percent increase in the standard rate charged for each full-field investigation over the 1991 base cost of \$2,300. The mandatory increase is calculated on the separation rate of 446 persons for 1991 (based on 1990 actuals) for a total increase of \$82,000.....			82
16. <u>Security Reinvestigations.</u> The security reinvestigation program has been receiving widespread attention due to the increase in espionage cases and the many situations where employees, who had been working in their jobs for a number of years, were discovered to be involved in various activities that were detrimental to the Nation's security. The OPM Federal Personnel Manual, Chapter 736 requires incumbents of certain positions to be reinvestigated, at a minimum, every 5 years. By 1992, the Department will require over 7,600 employees to be reinvestigated in each of the next 5 years to address the already existing backlog. An increase of \$5,247,000 will be required in 1992.....			5,247
17. <u>General Services Administration (GSA Rent).</u> GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the tremendous increase in rental charges, GSA has allowed an overall 15 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$4,911,000 provides for this actual increase over the expected 1991 billing level.....			4,911
Total mandatory increases.....	...	125	72,922

Decreases (Automatic non-policy):

	<u>Pos.</u>	<u>NY</u>	<u>Amount</u>
1. Nonrecurring costs for equipment received in 1991. These are nonrecurring costs in the Construction and Engineering program associated with the upgrade of three traffic checkpoints and construction of two Border Patrol stations and the expansion of the Krome Federal detention facility.....	-98,000
2. Nonrecurring costs for land and structures received in 1991. These are nonrecurring costs of electronic surveillance and detection equipment received in the Border Patrol program for 1991.....	-7,188
3. Nonrecurring costs for 200 new positions approved in 1991. These are nonrecurring costs of full-field investigations and personal equipment for 200 new positions approved in the Border Patrol program for 1991.....	-2,199
4. Financial Operations and Systems Service (FOS) Savings. Currently, INS is redirecting the Services financial systems to the Departmental Financial Management Information System (FMIS). The request provides for the savings expected in 1992 for FOS and the Department's FMIS processing charges.....	-588
5. Non-recurring costs for vehicles received in 1991. These are nonrecurring costs of replacement vehicles approved in 1991.....	-2,000
Total decreases.....	-19,975
Total, adjustments to base	-1	124	52,871

Grades and salary ranges	1998 Actual		1991 Estimate		1997 Estimate		Increase/Decrease	
	Positions & Employees	Amount	Positions & Employees	Amount	Positions & Employees	Amount	Positions & Employees	Amount
Other than permanent:								
Part-time permanent.....	192	4,293	192	4,297	192	4,659	...	161
Temporary employment.....	311	8,773	218	4,838	216	4,177	...	139
Other part-time and intermittent employees.....	312	5,764	312	4,994	312	5,725	...	231
Other personnel compensation:								
Overtime.....	841	17,239	867	12,651	898	11,212	91	1,561
Administratively uncontrollable overtime.....	898	34,679	898	36,794	796	37,392	(11)	596
Other compensation.....	2,478	13,846	2,565	23,929	2,565	39,413	...	8,323
1931 Overtime.....	119	12,488	292	3,667	258	6,832	66	2,363
Special personnel services payments.....	...	537	...	289	...	299	...	19
Total, employees and personnel compensation.....	18,658	425,146	18,664	443,555	17,879	529,273	625	54,818
Average GS Salary.....		(175,452)		(83,671)		(153,671)		
Average GS/20 Salary.....		(425,648)		(231,567)		(134,113)		
Average GS/20 Grade.....		(8.51)		(8.06)		(10.73)		

Immigration and Naturalization Service

Salaries and expenses

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Object Class	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full time permanent	11,765	\$390,323	11,250	\$372,895	11,742	\$418,225	492	\$45,330
11.3 Other than full time permanent	815	18,740	750	13,329	750	13,460	...	531
11.5 Other personnel compensation	4,270	79,429	4,404	71,332	4,517	87,988	113	16,657
11.6 Special personnel services requests .....	...	557	...	289	...	289	...	10
Total, workyears and personnel compensation	16,850	435,740	16,404	463,555	17,009	520,373	605	56,818
12 Personnel benefits		110,252		117,130		139,158		22,028
13 Benefits to former personnel		741		255		466		211
21 Travel and transportation of persons		20,558		46,859		50,371		3,512
22 Transportation of things		2,138		1,441		1,441		...
23.1 GSA rent		42,229		40,338		46,892		6,556
23.2 Rental payments to others		5,996		1,869		1,869		...
23.3 Communications, utilities and miscellaneous charges		26,700		16,970		17,678		708
24 Printing and reproduction		1,822		3,548		3,989		341
25 Other services		137,814		107,121		139,686		32,565
26 Supplies and materials		33,472		28,428		29,642		1,214

Object Class	1990 Actual			1991 Estimate			1992 Estimate			Increase/Decrease	
	Refugees	Ascent		Refugees	Ascent		Refugees	Ascent		Refugees	Ascent
31 Equipment.....		25,475			41,348			39,275			(2,073)
32 Land and structures.....		1,298			21,171			17,298			(3,873)
42 Insurance claims and indemnities.....		382			27			77			...
44 Airfares.....		2			1			1			...
51 Unrecovered.....		13			55			56			...
Total obligation.....	16,454	84,561		16,464	896,419		17,929	1,000,876		635	117,607
Unobligated balance, start-of-year.....		(6,289)			(3,782)			...			...
Unobligated balance, end-of-year.....		3,182			...			...			...
Unobligated balance, ending.....		233			...			...			...
Total requirements.....		842,287			885,637			1,000,876			...
Balance of obligations to setoffs:											
Total obligation.....		844,561			896,419			1,000,876			...
Unobligated balance, start-of-year.....		162,388			236,872			266,465			...
Unobligated balance, end-of-year.....		(238,873)			(266,465)			(343,268)			...
Adjustments to unpaid accounts.....		(15,354)			...			...			...
Outlays.....		724,543			868,876			775,285			...

Immigration and Naturalization Service

Salaries and Expenses

Consulting and Related Services
(Dollars in thousands)

	1990 Actual	1991 Estimate	1992 Estimate
Consulting Services.....	...	...	...
Management and Professional Services.....	\$33	\$35	\$40
Special Studies and Analysis.....	...	...	...
Total.....	\$33	\$35	\$40

Management and professional services are used by INS only for services which cannot be performed in-house. These services are required for: organizational structure, resource allocation and management direction reviews. The results of these reviews have been and will continue to be used within the Executive Direction and Control program to enhance agency efficiency and resource management.

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Department of Justice
Immigration and Naturalization Service

Immigration Emergency Fund

Estimates for Fiscal Year 1992

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Immigration and Naturalization Service
Immigration Emergency Fund
Summary Statement
Fiscal Year 1992

The Immigration Emergency Fund, authorized by the Immigration Reform and Control Act of 1986 and funded by Public Law 101-162, provided \$35,000,000 in funding for possible emergencies in border patrol and other enforcement activities, and for reimbursement to States and localities for assistance in seeking an immigration emergency, subject to Presidential determination and Congressional notifications. The Immigration Act of 1990 provides authorization for the Attorney General to make available up to \$20 million of the Immigration Emergency Fund to States and localities when certain provisions of the law are met. When estimating costs of the Immigration Act of 1990, it was anticipated that States and localities would request this \$20 million at the beginning of 1992 under qualifying provisions of the Act. While reimbursements under these provisions may not be made by the Attorney General until October 1, 1991, the legislation provides for reimbursements for events that have occurred since January 1, 1989. Thus outlays of \$20 million are expected in this account in 1992.

Immigration and Naturalization Service

Immigration Emergency Fund			
Summary of Requirements			
(Dollars in thousands)			
	1990 Actual	1991 Estimate	1992 Request
Financing:			
Unobligated balance available, start of year.....	...	-425,000	-425,000
Unobligated balance available, end of year.....	425,000	25,000	15,000
Budget authority (appropriation).....	25,000	...	...
Obligations.....	...	...	80,000
Outlays.....	...	...	80,000

Immigration and Naturalization Service

Immigration Legalization

Summary Statement

Fiscal Year 1992

The Immigration Reform and Control Act of 1986, Title II, Sections 201-204, established a Legalization program which provided temporary resident status to aliens who entered the U.S. illegally or lapsed into illegal status prior to January 1, 1992, who resided continuously in the U.S. since then, and who are not excludable. It also adjusts the status of these people to permanent resident status after 18 months of temporary status upon showing general admissibility and basic citizenship skills. Section 202 further provided for adjustment to permanent resident status of certain Cubans and Haitians who entered the U.S. prior to January 1, 1992. The Immigration Act of 1990 provides a one-year extension of the deadline for filing applications for adjustment from temporary to permanent residents.

The processing of the majority of applications for permanent resident status will be completed in 1991, with the remainder to be completed in 1992. Appeals of denials, however, will continue into 1992. The Service is requesting a low level of staffing in 1992, 25 positions, to address the limited processing workload and the appeals. Sufficient carryover resources will exist to fund the ongoing costs of this level of activity. In 1991 the Legalization Offices will be closed. The Legalization Regional Processing Facilities have been merged into the INS Service Centers within the Examinations program. The legalization component of these centers will be phased out as work is completed, and remaining resources, such as equipment, will be used to improve the processing of ongoing types of casework at the centers.

Several class action suits relating to the Legalization program are pending in the courts. Depending on the outcome, these cases could generate limited additional processing in 1992 and beyond. Since the outcome of these cases is unknown, no additional resources are being requested. However, the additional receipts from filing fees would cover any costs incurred as a result of a court mandated extension of the program.

Immigration and Naturalization Service

Immigration Legalization

Crosswalk of 1991 Changes

(Dollars in thousands)

Activity/Program	1991 Base			1991 President's Budget Request			Reprogrammings			1991 Appropriation Anticipated		
	Pos.	NY	Rel.	Pos.	NY	Rel.	Pos.	NY	Rel.	Pos.	NY	Rel.
1. Citizenship and Benefits												
a. Adjudications and Natiz.....	37	357	11,251	37	357	11,251	...	(136)	(1,346)	37	219	9,905
2. Immigration Support												
a. Data and Communications Systems	17	1	11,711	17	1	11,711	...	43	(2,211)	17	44	9,500
b. Information and Records Mgmt....	69	55	3,583	69	55	3,583	...	27	(83)	69	82	3,518
c. Intelligence.....	34	17	611	34	17	611	(19)	(2)	(11)	15	15	600
d. Construction and Engineering....	...	...	9,878	...	...	9,878	4	4	(3,660)	4	4	6,018
e. Field Management and Support....	10	9	204	10	9	204	(5)	(4)	40	5	5	244
f. Legal Proceedings.....	30	10	356	30	10	356	(25)	(2)	205	5	6	561
Subtotal.....	160	92	26,343	160	92	26,343	(45)	66	(5,902)	115	158	20,441
3. Program Direction												
a. Exec. Direction and Control.....	18	16	212	18	16	212	(13)	(11)	135	5	5	347
b. Administrative Services.....	21	23	529	21	23	529	(3)	(5)	522	18	18	1,051
Subtotal.....	39	39	741	39	39	741	(16)	(16)	657	23	23	1,398
Total.....	236	468	38,335	236	468	38,335	(61)	(66)	(6,391)	175	400	31,744

Reprogrammings: The reprogramming of positions, workyears and budget authority reflects the effect of the reprogramming in 1990 and the continuing phase-down of the Immigration Legalization program.

Immigration and Naturalization Service

<u>Immigration Capitalization</u>		
<u>Summary of Requirements</u>		
<u>(Dollars in thousands)</u>		
	<u>1991 Actual</u>	<u>1991 Estimate</u>
<u>Financing</u>		
Unappropriated balance, start of year.....	94,877	94,844
Receipts.....	75,382	...
Total available for appropriation.....	75,199	94,844
Appropriation.....	16,791	1,442
Unappropriated balance available, end of year...	58,408	7,902
Outlays.....	65,445	1,442
Outlayed balance, start of year.....	18,418	...
Recovery of prior year obligations.....	(4,601)	...
Delays.....	75,001	1,442
<u>Obligations by program</u>		
<u>Citizenship and Benefits</u>		
Naturalization and Naturalization.....	85,543	1,342
<u>Immigration Support</u>		
Visa and Communication System.....	21,351	...
Information and Record Management.....	1,799	194
Intelligence.....	1,408	...
Consular and Consular Support.....	11,295	...
Field Management and Support.....	246	186
Legal Proceedings.....	302	...
Subtotal.....	43,457	340
<u>Program Direction</u>		
Executive Direction.....	518	...
Administrative Services.....	97	...
Subtotal.....	1,475	...
Total obligations.....	65,445	1,442

Immigration and Naturalization Service

Immigration Legislation Program

Summary of Resources by Program

(Dollars in thousands)

	1998 Actual			1998 Estimate			1998 Base			1998 Request			Increase/Decrease		
	Pos.	Wt.	Amount	Pos.	Wt.	Amount	Pos.	Wt.	Amount	Pos.	Wt.	Amount	Pos.	Wt.	Amount
Estimates by program															
Citizenship and Benefits	64	419	649,543	27	215	65,985	20	20	61,342	20	20	61,342	...	...	...
Adjudications and Naturalization.....															
Immigration Support:															
Basis and Classification System.....	26	26	21,241	17	44	5,298	...	...	...	...	...	...	...	...	...
Information Systems.....	64	142	1,726	69	86	3,318	...	...	...	...	...	...	...	...	...
Intelligence.....	34	26	1,406	15	15	669	...	...	...	...	...	...	...	...	...
Construction and Engineering.....	7	4	11,278	4	4	6,018	...	...	...	...	...	...	...	...	...
Field Management.....	10	12	262	5	5	244	...	...	...	...	...	...	...	...	...
Legal Proceedings.....	75	18	262	5	6	261	2	2	186	2	2	186	...	...	...
Subtotal.....	227	242	43,427	115	156	19,441	5	5	349	5	5	349	...	...	...
Program Operations															
Executive Direction.....	10	9	316	5	5	267	...	...	...	...	...	...	...	...	...
Administrative Services.....	21	26	857	16	16	1,051	...	...	...	...	...	...	...	...	...
Subtotal.....	29	41	1,473	21	21	1,298	...	...	...	...	...	...	...	...	...
Total.....	266	762	65,445	175	609	31,744	25	25	1,486	25	25	1,486	...	...	...
Total Non-persons.....	792			609			25			25			...	...	...
Operations:															
Other.....	76			39			12			12			...	...	...
Subtotal.....	776			438			37			37			...	...	...

Immigration and Naturalization Service
Immigration Legalization
Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Immigration Legalization

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Enacted		Perm.			Perm.			Perm.		
	FOA.	NY	Amount	FOA.	NY	Amount	FOA.	NY	Amount	FOA.	NY	Amount
Adjudications and												
Naturalization.....	37	219	\$9,905	20	20	\$1,342	20	20	\$1,342	...	...	...

Long Range Goal: To receive, process, review and subject to final action all applications submitted for temporary and permanent resident status under the Immigration Legalization Program, authorized by the Immigration Reform and Control Act of 1986, P.L. 99-603, Title II, Sections 201-204.

Major Objectives:

Operate temporary legalization offices in key locations throughout the country to receive applications for permanent resident status.

Operate four regional processing centers to receive completed applications from legalization offices, review and approve or deny the applications.

Base Program Description: On May 5, 1987, the legalization offices began accepting legalization applications from aliens. Applications were reviewed and interviews of aliens and alien families were conducted. If claims appeared legal, then applicants were recommended for approval and work authorization cards were issued. Voluntary agencies were paid a fee by the INS for assisting aliens in completing their application packages and in scheduling processing through INS offices.

After INS accepted an alien's application for temporary residence, final approval was reserved until name, fingerprint and other security checks could be made. These checks were made through the regional processing facilities. If the application was approved, a temporary resident card was issued. Fraud profiles were developed and matched against incoming alien applications. To the extent possible, fingerprint checks with the FBI and State law enforcement officials were done on a tape to tape match. Data entry has been a major cost item at these regional processing facilities. The process of converting temporary residents to permanent residency requires a similar procedure.

Adjudications staff at the regional processing facilities have reviewed all recommended denials and sampled the recommended approvals. During 1990 the regional processing facilities were merged with the Adjudications Service Centers where the legalization review functions continue to be performed.

Currently, 39 legalization offices are open. An additional 37 legalization offices are now co-located with district offices or suboffices to maintain a presence in areas with insufficient workload to justify a separate legalization office. In 1991, the legalization offices are expected to be open at the beginning of the year to receive applications and to provide assistance to applicants submitting their required materials. These offices will be closed during the year.

In 1992, a reduction of 150 positions and 375 workyears is proposed. This is consistent with the phasedown of the program. Staff will be needed to complete the processing of applications for permanent status and close the program down. Other changes reflected in the 1992 request include reductions due to the nonrecurring cost of contract services which will have been completed, and a phasing down of operations as a result of the completion of the permanent resident phase of the legalization program.

Accomplishments and Workload:

The processing of applications for permanent resident status will be completed in 1992. Appeals of denials, will also continue through 1992. The Adjudications and Naturalization program plans on retaining resources of 20 positions, 20 workyears and \$1,342,000 in 1992 to complete application processing and to address all necessary actions of appeals of denials.

The workload for the Immigration Legalization Program is presented in the following table:

Item	Estimates	
	1991	1992*
Applicants for temporary resident status.....	273,882	1,542
Applicants adjusted for temporary resident status.....	415,730	49,473
Applicants for permanent resident status.....	808,271	615,391
		200,000

Workload figures are based on planning assumptions developed for the Immigration Legalization Program, taking into consideration the interrelationships of the indicators and the completion of the temporary resident phase of the program.

* The processing of applications for permanent resident status will be completed in 1992. Appeals of denials will continue into 1992 as well.

Activity: Immigration Support

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Data and Communications Systems.....	17	44	\$9,500	...	...	...	...	...	...	...	...
Information and Records Management.....	69	82	3,318	3	3	\$154	...	3	\$154	...	...
Intelligence.....	15	15	800	...	...	...	...	...	...	...	...
Construction and Engineering.....	4	4	6,018	...	...	...	...	...	...	...	...
Field Management and Support.....	5	5	244	...	...	...	...	...	...	...	...
Legal Proceedings.....	5	8	361	2	2	186	...	2	186	...	...
Total.....	115	158	20,441	5	5	340	...	5	340	...	...

1991 Appropriation

	1992 Base			1992 Estimate			Increase/Decrease	
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Data and Communications Systems.....	17	44	\$9,500	...	...	...	...	...

Long-Range Goal: To establish and maintain automated and electronic technical support to increase the efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of information support, provide communications to support all of INS's informational needs; produce and issue alien identification documents (ID) and provide an automated ID verification system; provide radio and electronic equipment and systems required by the INS to support its law enforcement functions; and promote the sharing of information with other Federal agencies to reduce the paperwork burden, to both the public and INS.

Major Objectives:

Provide high speed data and communications systems support for the various offices to support the application receipt, review and decision making processes.

Ensure the cost effectiveness of new information systems through the use of contemporary techniques for quantifying and justifying automated data processing (ADP) based systems and data bases.

Improve the quality, reliability, interconnection, maintenance, and upgrade the accessibility of existing database systems.

Install and maintain INS's major mission and management oriented systems throughout the Service.

Improve the efficiency and effectiveness of voice and data communications throughout the Service.

Provide office automation support for word processing, local tracking, analysis, and electronic mail.

Provide an effective maintenance program and equipment replacement and upgrade schedule to ensure effective continuity of operation of data, communications and electronics capabilities.

Base Program Description: The function of this program is to provide direct support to the Legalization program in the areas of ADP, communications and electronics systems. This includes: (1) improving the effectiveness and efficiency of Service functions through the use of computer resources in information processing; (2) providing for the operation of data and communications networks; (3) maintaining the cost effective production and issuance of secure alien identification cards; and (4) providing radio communications and telephone call handling.

Accomplishments:

The software already developed and in operation to support the program was monitored and maintained for continued use in the Legalization Program and the Family Fairness Program.

New software for the processing of permanent resident applications at the Legalization Offices and the District Offices was added.

Data communications support continued for existing circuits to Legalization Offices, District Offices, and Regional Processing Facilities. In cases where Legalization Offices were relocated or closed, the communications circuits were re-engineered as needed.

Continued technical support for the Legalization Program was provided. Legalization Applications Processing System support continued at the Department of Justice Data Center as well as at the Regional Processing Facilities. "Help Desk" support continued for legalization processing.

Hardware maintenance support was provided for all Legalization Offices and Regional Processing Facilities.

The Immigration Card Facility in 1990 produced and issued one million I-551 cards for amnesty applicants approved for permanent resident status. During 1990 several system changes were developed and implemented to enhance processing activities.

In 1991, attention will be concentrated on the closing of the Legalization Offices and the merging of the Regional Processing Facilities with the INS Service Centers within the four regions.

The software currently in operation will be supported through the completion of the Legalization Program. It is anticipated that the Legalization Applications Processing System will continue to operate as planned through the end of the program, including any additional period which may be required as a result of pending litigation.

Data communications support will continue for all existing offices. As the Legalization Offices are closed and operations moved, additional re-engineering of circuits will be carried out as a planned part of the phase down. In addition, all circuits must be converted to FTS 2000 as required in the government-wide conversion to this system.

It is anticipated that activities at the Immigration Card Facility will remain at a high output level. In 1991 it is projected that approximately 250,000 I-551 cards will be issued for Legalization.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Enacted		Perm.			Perm.			Perm.		
	Est.	MI	Amount	Est.	MI	Amount	Est.	MI	Amount	Est.	MI	Amount
Information and Records Management.....	69	82	\$3,516	3	3	\$154	3	3	\$154	...	...	...

Long-Range Goals: To provide information in a timely and professional manner to the public and government agencies on immigration procedures, policies, plans, activities, status, benefits and eligibility, including the Immigration Reform and Control Act's (IRCA) provisions and initiatives. Administer Servicewide Information Services and Records programs designed to provide support to INS' operating components and other United States law enforcement agencies, as well as, state and local governments seeking the status of aliens under the provisions of the Immigration and Nationality Act. Ensure the reliability of automated and manual data generated by INS information systems (contractor and in-house); ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform correspondence throughout INS.

Major Objectives:

Provide reliable and accurate information and records support for the various offices so that information needed for the review of legalization applications is correct and provided in such a way that processing is expedited.

Ensure Servicewide compliance with the Freedom of Information and Privacy Acts (FOIA/PA).

Ensure Servicewide compliance with the Paperwork Reduction Act of 1980 as amended.

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions.

Respond to 85 percent of all telephone inquiries from the public within three minutes, all in-person inquiries received from the public within 15 minutes, and all written inquiries received from the public within 20 days.

Maintain a reliable and accessible Nationwide Reform Act "800" telephone information service.

Develop and install advanced automated telephone systems to improve the public's access to immigration information.

Respond to information and status requests from the public, INS operating components, state and local governments, law enforcement agencies, and other Federal government agencies.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, processing and retrieval.

Improve the control, accountability and availability of INS records through increased training, technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems and resources and ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Ensure the accurate and timely issuance of Service regulations, directives, operating instructions and forms.

Improve INS workload data and productivity measurement and ensure timeliness, quality and completeness of all INS statistical data.

Develop, analyze, and publish timely, high-quality immigrant and non-immigrant statistics in annual statistical yearbooks, special bulletins, and reports for policy making at agency and Congressional levels.

Establish and maintain liaison with Federal and state agencies, and national and international organizations involved in the collection and/or analysis of immigration related statistics.

Base Program Description: The functions of this program are to (1) provide responses to inquiries from the public and private sectors; local, state and Federal agencies; and the various branches of government, by telephone, in-person, and in writing; (2) maintain alien records and files from which data may be readily obtained to respond to requests from both in and outside the Service; (3) develop guidelines, policies and procedures and responses to FOIA/PA requests; (4) Compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations and work accomplishments; (5) provide for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established Federal regulations and laws; and (6) monitor and ensure internal compliance to standards for systems and service delivery.

Accomplishments and Workload:

In 1990 the Information and Records Management Program continued to provide essential support for the Legalisation program. Records personnel continued to provide contract administration for the data entry and records support at the processing facilities. The contract will continue into 1991 and will include activities related to the transition period during which the Regional Processing Facilities will be combined with the Service Centers that support ongoing adjudications processing.

The "800" Telephone Information System has been maintained and upgraded as needed to provide callers with timely and accurate information concerning major phases of the program. It is estimated that in 1990 the "800" system will have been accessed by over one million callers. This workload indicator shows that the automated information service has proven its value and has reduced the overall cost of providing program information to the public. The "800" system will continue into 1991, with a projected workload of 900,000 contacts.

In 1990 a significant number of Freedom of Information Act/Privacy Act (FOIA/PA) requests have been processed for the Legalisation program. Workload for the year should reach approximately 11,000. Because of the statutory restrictions on the disclosure of legalisation records, FOIA/PA requests frequently result in denials which lead to appeals. In 1991 the level of FOIA/PA activity is expected to continue at the 1990 workload level.

The processing of applicants for permanent resident status will be completed in FY 1992. Appeals of denials will also continue into FY 1992. The Information and Records Management program will retain resources of 3 positions, 3 workyears and \$154,000 in 1992 to complete work related to application processing and to address appeals.

The major workload items for the Information and Records Management program are presented in the following table:

Item	1992		Estimate	
	1992	1992	1991	1992*
Alien files opened.....	273,882	87,341	50,000	...
General searches completed.....	1,369,410	637,942	300,000	...
Information services inquiries.....	1,206,276	917,264	600,000	600,000

Workload figures are based on planning assumptions developed for the Immigration Legalization Program, taking into consideration the interrelationships of the indicators and the completion of the temporary resident phase of the program.

* The processing of applications for permanent resident status will be completed in 1992. Appeals of denials will also continue into 1992.

Item	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	Est.	Perm.	Est.	Perm.	Est.	Perm.	Est.
Intelligence.....	15	15	15	15	15	15	...	...

Long Range Goal: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide meaningful intelligence support on a regular basis to INS' operational components for enhanced effectiveness and efficiency of the Legalization program.

Major Objectives: Provide necessary intelligence and document analysis to prevent the approval of fraudulent applications supported by falsified documents.

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components.

Provide strategic intelligence assessments to INS management for consideration in short-term and long-term operational planning.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act and new provisions of the Immigration Reform and Control Act (IRCA).

Base Program Description: This program provides strategic and tactical intelligence support to Service offices enforcing the legalization provisions of the Immigration Reform and Control Act. The Service's document laboratory is a critical component of the program. Intelligence support contributes to detecting fraudulent documents, false claims to citizenship and other frauds.

Accomplishments and Workload: The workload for the Intelligence program is presented in the following table:

Item	1982	1990	1991 Estimate	1992
Cases received for examination at document laboratories.....				
New INS data input at El Paso Intelligence Center (EPIC) processed.....	5,818	637	400	...
Queries researched at EPIC.....	3,375	...	...	...
Positive INS responses to queries received by EPIC provided.....	3,375	6,953	7,000	...
	588	6,953	7,000	...

Workload figures are based on planning assumptions developed for the Immigration Legalization Program, taking into consideration the interrelationships of the indicators and the completion of the temporary resident phase of the program.

1991 Appropriation

1991 Estimate		1992 Base		1992 Estimate		Increase/Decrease	
Per.	Est.	Per.	Est.	Per.	Est.	Per.	Est.
FOI.	NY	FOI.	NY	FOI.	NY	FOI.	NY

Construction & Engineering... 4 4 \$6,018

Long Range Goal: To provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Immigration Reform and Control Act.

Major Objectives: Construct, alter and maintain effective, safe, energy conserving, and attractive facilities

Base Program Description: The function of this program is to provide for the alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the Service is the leasing agency. Space is acquired through the General Services Administration (GSA) by lease.

Accomplishments:

In the establishment of the Legalization program, Construction and Engineering personnel worked with the General Services Administration to locate and procure adequate space to establish the local legalization offices and the four major regional processing facilities. The program's involvement has continued in actions related to modifications of existing offices and in the closing of legalization offices during the phase down of the program. With the end of Phase Two in 1991, all remaining legalization offices will be closed and the four regional processing facilities will be merged with Regional Service Centers within the Adjudications program.

1991 Appropriation				1992 Base				1992 Estimate				Increase/Decrease	
Enacted				Perm.				Perm.				Perm.	
	Pos.	NY	Amount	Pos.	NY	Amount		Pos.	NY	Amount		Pos.	NY
Field Management and Support.....	5	5	9244										

Long Range Goal: To provide management direction to field units that implement major policy and management decisions.

Major Objectives:

Ensure uniform implementation of INS policy, procedures and operational goals; provide efficient service to the public; and devise techniques and procedures for responding to regional and local conditions and circumstances.

Base Program Description: The function of this program is to provide management direction and support for the implementation and operation of regional and field activities and functions. This program includes managers and supervisors who are charged with responsibility for, and exercise authority over, multiple programs.

Accomplishments:

The Field Management and Support program provides management direction to field units on implementing INS policy and initiatives relating to the Legalization program. This program provides the necessary management direction and administrative support at the field level for the Service's commitment to the efficient management of the legalization offices and resources as well as improve service to the public. This overall support continued in 1990 and has been essential to the orderly phase down of the Legalization program. This support will continue in 1991 in the coordinating the closure of the remaining legalization offices.

1991 Appropriation	Enacted		1992 Base		1992 Estimate		Increase/Decrease		
	Perm.	Est.	Perm.	Est.	Perm.	Est.	Perm.	Est.	
Legal Proceedings.....	5	0	\$561	2	2	\$186	2	2	\$186

Long Range Goal: To provide legal representation for the United States Government in legalization cases and matters arising before Immigration Judges and the Board of Immigration Appeals; represent INS in other legalization related administrative hearings; provide legal advice and support to INS personnel; and represent INS in cases being tried in the Federal courts.

Major Objectives:

Represent the Service before administrative bodies and Federal courts in litigation involving all aspects of the Legalization program.

Base Program Description: INS attorneys represent the Service before Immigration Judges and the Board of Immigration Appeals. The program provides support in agency litigation being conducted in United States District courts, Courts of Appeals, and the Supreme Court. Attorneys advise the Central Office, regional commissioners and district directors on legalization matters.

Accomplishment:

This activity has been and remains important since several pending cases could have the effect of extending the program to allow a relatively small group of aliens to submit applications. It is anticipated that litigation will continue into 1991 in a small number of significant cases.

Legal support will continue to the Legalization Appeals Unit, the four Regional Processing Facilities, and the Headquarters Legalization Office. This support will be provided at a lower level of effort in view of the phase down of the program's declining workload.

The processing of applications for permanent resident status will be completed in FY 1992. Appeals of denials will also continue into FY 1992. The Legal Proceedings program will retain resources of 2 positions, 2 workyears and \$186,000 in 1992 to address these appeals.

Activity: Program Direction	1991 Appropriation Anticipated		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Executive Direction and Control	5	\$347 -	...	...	...	...	...	...
Administrative Services	18	1,021	...	...	...	...	...	...
Total	23	1,398	...	...	...	...	...	...

Activity: Program Direction	1991 Appropriation Anticipated		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Executive Direction and Control	5	\$347	...	...	...	...	...	...

Long Range Goal: To increase the effectiveness of the Service through the use of Mission Plan goals and strategies; formulate and coordinate meaningful and consistent policy; provide program direction throughout all levels of the Service; and evaluate policy with a view toward recommending practical changes.

Major Objectives:

Provide for continuity, coordination and control of the overall management and administration of INS.

Direct Service-wide policy and implementation responsibilities.

Implement Immigration Reform.

Improve agency responsiveness through continued enhancement of management systems including:

- Maintaining and refining delegations of authority and requirements for accountability for National policy direction, regional implementation, and district and sector execution, including appropriate control of resources;
- Continue to emphasize and institutionalize INS' Management by Objectives (MBO) system with further integration between mission and priority planning and systems of resource allocation and control; and continue rapid development of information systems to meet the needs of management and immigration policy formulation.

- Increase leadership in the formulation of National immigration policy.

Base Program Description: The function of this program is to execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources. Included in this program are duties related to: (1) Providing executive direction and control of the service; (2) Providing management to the service in the areas of contracting and Equal Employment Opportunity; (3) furnishing accurate and prompt responses to Congressional and public inquiries; (4) administering and maintaining an effective budgeting system, and (5) developing and evaluating policies and systems to improve the effectiveness of service programs.

Accomplishments:

During 1990 the Executive Direction program continued to carry out the overall management of the legalization program. Planning for the 1991 phase down and close out of the year received greater emphasis. In 1991 the implementation of the closure of the program and the consolidation of the Regional Processing Facilities with the INS Service Centers will receive considerable attention.

	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Per.	Chg.	Per.	Chg.	Per.	Chg.	Per.	Chg.
Administrative Services.....	10	18	\$1,051	...	...	...	...	...

Long Range Goal: To provide the full-range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

Major Objectives:

Provide personnel and equal opportunity support services and program direction.

Provide accounting support services and program direction.

Provide property management and procurement support and program direction.

Provide overall management direction and control for all management programs and the full range of security, safety and health support activities.

Base Program Description: The function of this program is to provide for the development, implementation, direction, evaluation and operation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. The major functions within this program include: personnel; accounting, equal employment opportunity; procurement; property management; fleet management; security and health; and other miscellaneous general services which benefit all programs within INS.

Accomplishments:

During 1990 the Administrative Services program continued to provide a full range of support services to the Legalization Program. Personnel and accounting services received the greatest emphasis during this period since the program is phasing down in 1991. Property management activities have received greater emphasis to assure that equipment and furniture from closed legalization offices is moved and returned to use in an efficient manner.

In 1991 the Administrative Services program will play a major role in the phase down process, particularly in personnel management and property management.

Immigration and Naturalization Service
Immigration Legislation
 Detail of Permanent Positions by Category (1)
Fiscal Years 1990-1992

Category	1990 Authorized	1991 Estimate	Increase/ Decrease	1992 Request
Attorneys (203).....	20	5	-3	2
Contact Representative (382).....	65	65	-46	3
Criminal Investigators (1811).....	6	5	-3	...
Immigration Inspectors (1816).....	21	9	-9	...
General Administrative and Clerical (300-399).....	163	74	-36	20
Physical Sciences Group (1300-1399).....	17	13	-13	...
Total.....	306	175	-130	25
Washington.....	17	17	-13	4
U.S. Field.....	309	158	-137	21
Total.....	306	175	-130	25

(1) This exhibit provides detail of reimbursable positions not portrayed in the salaries and expenses budget.

Immigration and Naturalization Service

Immigration Legislation

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Grades and salary ranges	1990 Actual		1991 Estimate		1992 Request		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
GS-1, \$47,000.....	1	...	1	...	...	...	...	...
GS-2, \$51,000.....	5	...	5	...	...	...	...	...
GS-3, \$55,000.....	11	...	11	...	...	...	...	...
GS-4, \$60,000.....	16	...	16	...	...	...	...	...
GS-5, \$65,000.....	21	...	21	...	...	...	...	...
GS-6, \$70,000.....	26	...	26	...	...	...	...	...
GS-7, \$75,000.....	31	...	31	...	...	...	...	...
GS-8, \$80,000.....	36	...	36	...	...	...	...	...
GS-9, \$85,000.....	41	...	41	...	...	...	...	...
GS-10, \$90,000.....	46	...	46	...	...	...	...	...
GS-11, \$95,000.....	51	...	51	...	...	...	...	...
GS-12, \$100,000.....	56	...	56	...	...	...	...	...
GS-13, \$105,000.....	61	...	61	...	...	...	...	...
GS-14, \$110,000.....	66	...	66	...	...	...	...	...
GS-15, \$115,000.....	71	...	71	...	...	...	...	...
GS-16, \$120,000.....	76	...	76	...	...	...	...	...
GS-17, \$125,000.....	81	...	81	...	...	...	...	...
GS-18, \$130,000.....	86	...	86	...	...	...	...	...
GS-19, \$135,000.....	91	...	91	...	...	...	...	...
GS-20, \$140,000.....	96	...	96	...	...	...	...	...
GS-21, \$145,000.....	101	...	101	...	...	...	...	...
GS-22, \$150,000.....	106	...	106	...	...	...	...	...
GS-23, \$155,000.....	111	...	111	...	...	...	...	...
GS-24, \$160,000.....	116	...	116	...	...	...	...	...
GS-25, \$165,000.....	121	...	121	...	...	...	...	...
GS-26, \$170,000.....	126	...	126	...	...	...	...	...
GS-27, \$175,000.....	131	...	131	...	...	...	...	...
GS-28, \$180,000.....	136	...	136	...	...	...	...	...
GS-29, \$185,000.....	141	...	141	...	...	...	...	...
GS-30, \$190,000.....	146	...	146	...	...	...	...	...
GS-31, \$195,000.....	151	...	151	...	...	...	...	...
GS-32, \$200,000.....	156	...	156	...	...	...	...	...
GS-33, \$205,000.....	161	...	161	...	...	...	...	...
GS-34, \$210,000.....	166	...	166	...	...	...	...	...
GS-35, \$215,000.....	171	...	171	...	...	...	...	...
GS-36, \$220,000.....	176	...	176	...	...	...	...	...
GS-37, \$225,000.....	181	...	181	...	...	...	...	...
GS-38, \$230,000.....	186	...	186	...	...	...	...	...
GS-39, \$235,000.....	191	...	191	...	...	...	...	...
GS-40, \$240,000.....	196	...	196	...	...	...	...	...
GS-41, \$245,000.....	201	...	201	...	...	...	...	...
GS-42, \$250,000.....	206	...	206	...	...	...	...	...
GS-43, \$255,000.....	211	...	211	...	...	...	...	...
GS-44, \$260,000.....	216	...	216	...	...	...	...	...
GS-45, \$265,000.....	221	...	221	...	...	...	...	...
GS-46, \$270,000.....	226	...	226	...	...	...	...	...
GS-47, \$275,000.....	231	...	231	...	...	...	...	...
GS-48, \$280,000.....	236	...	236	...	...	...	...	...
GS-49, \$285,000.....	241	...	241	...	...	...	...	...
GS-50, \$290,000.....	246	...	246	...	...	...	...	...
GS-51, \$295,000.....	251	...	251	...	...	...	...	...
GS-52, \$300,000.....	256	...	256	...	...	...	...	...
GS-53, \$305,000.....	261	...	261	...	...	...	...	...
GS-54, \$310,000.....	266	...	266	...	...	...	...	...
GS-55, \$315,000.....	271	...	271	...	...	...	...	...
GS-56, \$320,000.....	276	...	276	...	...	...	...	...
GS-57, \$325,000.....	281	...	281	...	...	...	...	...
GS-58, \$330,000.....	286	...	286	...	...	...	...	...
GS-59, \$335,000.....	291	...	291	...	...	...	...	...
GS-60, \$340,000.....	296	...	296	...	...	...	...	...
GS-61, \$345,000.....	301	...	301	...	...	...	...	...
GS-62, \$350,000.....	306	...	306	...	...	...	...	...
GS-63, \$355,000.....	311	...	311	...	...	...	...	...
GS-64, \$360,000.....	316	...	316	...	...	...	...	...
GS-65, \$365,000.....	321	...	321	...	...	...	...	...
GS-66, \$370,000.....	326	...	326	...	...	...	...	...
GS-67, \$375,000.....	331	...	331	...	...	...	...	...
GS-68, \$380,000.....	336	...	336	...	...	...	...	...
GS-69, \$385,000.....	341	...	341	...	...	...	...	...
GS-70, \$390,000.....	346	...	346	...	...	...	...	...
GS-71, \$395,000.....	351	...	351	...	...	...	...	...
GS-72, \$400,000.....	356	...	356	...	...	...	...	...
GS-73, \$405,000.....	361	...	361	...	...	...	...	...
GS-74, \$410,000.....	366	...	366	...	...	...	...	...
GS-75, \$415,000.....	371	...	371	...	...	...	...	...
GS-76, \$420,000.....	376	...	376	...	...	...	...	...
GS-77, \$425,000.....	381	...	381	...	...	...	...	...
GS-78, \$430,000.....	386	...	386	...	...	...	...	...
GS-79, \$435,000.....	391	...	391	...	...	...	...	...
GS-80, \$440,000.....	396	...	396	...	...	...	...	...
GS-81, \$445,000.....	401	...	401	...	...	...	...	...
GS-82, \$450,000.....	406	...	406	...	...	...	...	...
GS-83, \$455,000.....	411	...	411	...	...	...	...	...
GS-84, \$460,000.....	416	...	416	...	...	...	...	...
GS-85, \$465,000.....	421	...	421	...	...	...	...	...
GS-86, \$470,000.....	426	...	426	...	...	...	...	...
GS-87, \$475,000.....	431	...	431	...	...	...	...	...
GS-88, \$480,000.....	436	...	436	...	...	...	...	...
GS-89, \$485,000.....	441	...	441	...	...	...	...	...
GS-90, \$490,000.....	446	...	446	...	...	...	...	...
GS-91, \$495,000.....	451	...	451	...	...	...	...	...
GS-92, \$500,000.....	456	...	456	...	...	...	...	...
GS-93, \$505,000.....	461	...	461	...	...	...	...	...
GS-94, \$510,000.....	466	...	466	...	...	...	...	...
GS-95, \$515,000.....	471	...	471	...	...	...	...	...
GS-96, \$520,000.....	476	...	476	...	...	...	...	...
GS-97, \$525,000.....	481	...	481	...	...	...	...	...
GS-98, \$530,000.....	486	...	486	...	...	...	...	...
GS-99, \$535,000.....	491	...	491	...	...	...	...	...
GS-100, \$540,000.....	496	...	496	...	...	...	...	...
GS-101, \$545,000.....	501	...	501	...	...	...	...	...
GS-102, \$550,000.....	506	...	506	...	...	...	...	...
GS-103, \$555,000.....	511	...	511	...	...	...	...	...
GS-104, \$560,000.....	516	...	516	...	...	...	...	...
GS-105, \$565,000.....	521	...	521	...	...	...	...	...
GS-106, \$570,000.....	526	...	526	...	...	...	...	...
GS-107, \$575,000.....	531	...	531	...	...	...	...	...
GS-108, \$580,000.....	536	...	536	...	...	...	...	...
GS-109, \$585,000.....	541	...	541	...	...	...	...	...
GS-110, \$590,000.....	546	...	546	...	...	...	...	...
GS-111, \$595,000.....	551	...	551	...	...	...	...	...
GS-112, \$600,000.....	556	...	556	...	...	...	...	...
GS-113, \$605,000.....	561	...	561	...	...	...	...	...
GS-114, \$610,000.....	566	...	566	...	...	...	...	...
GS-115, \$615,000.....	571	...	571	...	...	...	...	...
GS-116, \$620,000.....	576	...	576	...	...	...	...	...
GS-117, \$625,000.....	581	...	581	...	...	...	...	...
GS-118, \$630,000.....	586	...	586	...	...	...	...	...
GS-119, \$635,000.....	591	...	591	...	...	...	...	...
GS-120, \$640,000.....	596	...	596	...	...	...	...	...
GS-121, \$645,000.....	601	...	601	...	...	...	...	...
GS-122, \$650,000.....	606	...	606	...	...	...	...	...
GS-123, \$655,000.....	611	...	611	...	...	...	...	...
GS-124, \$660,000.....	616	...	616	...	...	...	...	...
GS-125, \$665,000.....	621	...	621	...	...	...	...	...
GS-126, \$670,000.....	626	...	626	...	...	...	...	...
GS-127, \$675,000.....	631	...	631	...	...	...	...	...
GS-128, \$680,000.....	636	...	636	...	...	...	...	...
GS-129, \$685,000.....	641	...	641	...	...	...	...	...
GS-130, \$690,000.....	646	...	646	...	...	...	...	...
GS-131, \$695,000.....	651	...	651	...	...	...	...	...
GS-132, \$700,000.....	656	...	656	...	...	...	...	...
GS-133, \$705,000.....	661	...	661	...	...	...	...	...
GS-134, \$710,000.....	666	...	666	...	...	...	...	...
GS-135, \$715,000.....	671	...	671	...	...	...	...	...
GS-136, \$720,000.....	676	...	676	...	...	...	...	...
GS-137, \$725,000.....	681	...	681	...	...	...	...	...
GS-138, \$730,000.....	686	...	686	...	...	...	...	...
GS-139, \$735,000.....	691	...	691	...	...	...	...	...
GS-140, \$740,000.....	696	...	696	...	...	...	...	...
GS-141, \$745,000.....	701	...	701	...	...	...	...	...
GS-142, \$750,000.....	706	...	706	...	...	...	...	...
GS-143, \$755,000.....	711	...	711	...	...	...	...	...
GS-144, \$760,000.....	716	...	716	...	...	...	...	...
GS-145, \$765,000.....	721	...	721	...	...	...	...	...
GS-146, \$770,000.....	726	...	726	...	...	...	...	...
GS-147, \$775,000.....	731	...	731	...	...	...	...	...
GS-148, \$780,000.....	736	...	736	...	...	...	...	...
GS-149, \$785,000.....	741	...	741	...	...	...	...	...
GS-150, \$790,000.....	746	...	746	...	...	...	...	...
GS-151, \$795,000.....	751	...	751	...	...	...	...	...
GS-152, \$800,000.....	756	...	756	...	...	...	...	...
GS-153, \$805,000.....	761	...	761	...	...	...	...	...
GS-154, \$810,000.....	766	...	766	...	...	...	...	...
GS-155, \$815,000.....	771	...	771	...	...	...	...	...
GS-156, \$820,000.....	776	...	776	...	...	...	...	...
GS-157, \$825,000.....	781	...	781	...	...	...	...	...
GS-158, \$830,000.....	786	...	786	...	...	...	...	...
GS-159, \$835,000.....	791	...	791	...	...	...	...	...
GS-160, \$840,000.....	796	...	796	...	...	...	...	...
GS-161, \$845,000.....	801	...	801	...	...	...	...	...
GS-162, \$850,000.....	806	...	806	...	...	...	...	...
GS-163, \$855,000.....	811	...	811	...	...	...	...	...
GS-164, \$860,000.....	816	...	816	...	...	...	...	...
GS-165, \$865,000.....	821	...	821	...	...	...	...	...
GS-166, \$870,000.....	826	...	826	...	...	...	...	...
GS-167, \$875,000.....	831	...	831	...	...	...	...	...
GS-168, \$880,000.....	836	...	836	...	...	...	...	...
GS-169								

Immigration and Naturalization Service
Immigration Legislation
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1990 Actual		1991 Estimate		1992 Request		Increase/Decrease	
	Man-years	Amount	Man-years	Amount	Man-years	Amount	Man-years	Amount
11.1 Full-time permanent.....	271	94,732	175	44,540	75	60,271	(196)	(13,713)
11.2 Other than permanent.....	431	5,132	225	4,590	...	...	(206)	(46,590)
11.3 Other personnel compensation.....	76	1,596	30	736	12	309	(14)	(429)
11.6 Special personnel services payments.....	...	319	...	51	...	...	...	(51)
Total.....	778	101,779	430	11,915	37	1,130	(743)	(10,789)
Other objects:								
12 Personnel benefits.....	3,931	...	3,133	...	295	...	(2,636)	(2,900)
13 Benefits to former personnel.....	75	...	...	...	...	...	...	(65)
21 Travel and transportation of persons.....	316	...	174	...	179	...	...	(43)
22 Transportation of things.....	44	...	63	...	...	...	...	(65,420)
23.1 BSA rent.....	11,000	...	5,351	...	125	...	...	...
23.2 Rental payments to others.....	240	...	...	...	...	...	...	...
23.3 Communications, utilities and miscellaneous charges.....	2,422	...	624	...	25	...	...	(199)
24 Printing and reproduction.....	576	...	413	...	...	...	...	(413)
25 Other services.....	21,960	...	5,977	...	...	...	...	(49,367)
26 Supplies and materials.....	3,533	...	850	...	78	...	...	(825)
31 Equipment.....	1,301	...	18	...	...	...	...	(110)
42 Insurance claims and indemnities.....	38	...	...	...	...	...	...	...
44 Refunds.....	2	...	...	...	...	...	...	...
Total obligations.....	778	65,415	430	31,744	37	1,609	(743)	(10,789)
Recovery of prior year obligations.....								
Total requirements.....	...	...	...	...	...	...	...	...
Net change of obligations to outlays.....	60,791	...	31,744	...	1,609	...	...	...
Total obligations.....	65,415	...	31,744	...	1,609	...	...	...
Outlay balance, start of year.....	18,410	...	...	...	...	...	...	...
Recovery of prior year obligations.....	6,650	...	...	...	...	...	...	...
Outlays.....	79,201	...	31,744	...	1,609	...	...	...

Department of Justice
Immigration and Naturalization Service
Immigration User Fee
Estimates for Fiscal Year 1992

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Immigration and Naturalization Service
Immigration User Fee
Summary Statement

Estimates for Fiscal Year 1992

The Immigration and Naturalization Service (INS) will require 2,245 positions, 2,337 workyears and \$191,601,000 in 1992 to provide immigration inspection services at air and sea ports of entry. The cost of this program is to be paid entirely from fees collected from individuals arriving in the United States aboard commercial aircraft or vessels from foreign locations.

The Immigration User Fee Account was established in the 1987 Appropriations Act for the Department of Justice, (P.L. 99-591). Section 205 of the law directed the Attorney General, effective December 1, 1986, to charge and collect a \$5 user fee from each individual arriving in the United States, aboard a commercial aircraft or vessel, from foreign locations (other than Mexico, Canada, or adjacent islands). All fees collected are to be deposited in an Immigration User Fee account. Section 205 of the law also directs the Secretary of the Treasury to reimburse, out of the Immigration User Fee account, the Immigration and Naturalization Service for the amounts paid to: provide immigration inspection services for commercial aircraft or vessels; provide overtime immigration inspection services for passengers of commercial aircraft and vessels; administer debt recovery, including the establishment and operation of a National Collections Office; expand and operate information systems for non-immigrant control and debt collection; detect fraudulent documents used by air and sea passengers traveling to the United States; and provide detention and deportation services for excludable aliens arriving on commercial aircraft or vessels.

Effective December 1, 1990, P.L. 101-515, Section 210(a) of the Department of Justice Appropriations Act, 1991, directs the removal of the contiguous territories fee exemption for Canada, Mexico and the adjacent islands.

In conformance with the specific provisions of the legislation and the program objectives outlined in the Senate Appropriations Committee Report 99-425, the Immigration and Naturalization Service has been able to staff airport and seaport facilities at a level that ensured that immigration inspection services were sufficient to meet the demands of the travelling public, that fees were collected and deposited in a timely manner, and that a consistently effective enforcement posture was maintained in the inspection of all arriving aircraft and vessels.

Furthermore, the 1991 Appropriations Act, P.L. 101-515, established a 45-minute standard for inspection at air and sea ports of entry. The additional resources provided from elimination of the existing exemption for people travelling to

the United States by airplane from Mexico, Canada and adjacent islands will be used to provide for adequate staffing levels to ensure that INS will be in compliance with the 45-minute standard.

Immigration and Naturalization Service					
	Immigration User Fee				
	Consent of 1991 Changes				
	(dollars in thousands)				
1991 President's Budget Request	Poa.	Nat.	Poa.	Nat.	Appropriations
I. Enforcement:	1,115	1,201	\$74,254	810	605
a. Inspections.....	...	...	...	...	...
b. Border Patrol.....	14	14	912	(2)	(3)
c. Investigations.....	24	22	1,377	(8)	...
d. Anti-Smuggling.....	516	100	12,496	(12)	(10)
e. Detention and Repatriation.....	...	...	...	...	...
f. Employer and Labor Relations.....	...	...	...	...	...
Subtotal.....	1,265	1,337	\$75,735	794	592
II. Citizenship and Benefits	...	...	...	...	...
a. Reajudications and Nats.....	...	...	...	...	...
b. Aliquots and Overseas.....	...	...	...	...	...
Subtotal.....	0	0	...	...	...
III. Immigration Support	2	2	491	6	6
a. Training.....	15	11	14,254	8	13
b. Data and Communications Systems.....	...	...	...	...	...
c. Information and Records Mgmt.....	15	15	605	(5)	(5)
d. Intelligence.....	...	...	...	...	...
e. Research and Development.....	2	2	51	(1)	(1)
f. Construction and Engineering.....	...	...	...	...	...
g. Field Management and Support.....	27	27	1,068	(2)	(2)
h. Legal Proceedings.....	...	...	...	...	...
Subtotal.....	65	57	20,369	10	13
A. Program Direction	2	2	561	1	5
a. Exec. Direction and Control.....	38	28	1,969	3	7
b. Administrative Services.....	40	30	1,111	4	7
Subtotal.....	1,219	1,224	111,470	808	612
Total.....	1,219	1,224	111,470	808	612

Immigration and Naturalization Service

	Immigration User Fee	
	Summary of Requirements	
	1998 Actual	1999 Estimate
Financing		
Receipts.....	\$117,000	\$116,000
Disobligated balance, start of year.....	5,120	7,115
Disobligated balance, end of year.....	(7,115)	(7,115)
Appropriation obligations.....	116,120	116,000
Total obligations.....	116,120	116,000
Disobligated balance, start of year.....	56,476	56,496
Disobligated balance, end of year.....	(52,404)	(15,999)
Delays.....	146,140	173,906
		191,401
Obligations by program		
Enforcement		
Inspection.....	71,105	113,719
Investigation.....	1,025	1,425
Border Patrol.....	1,364	1,700
Border Law and Regulation.....	13,664	8,118
Subtotal.....	87,158	125,262
Citizenship and Beneficiary		
Admission and Overlook.....	344	520
Immigration Support		
Training.....	231	302
Relief and Communication Systems.....	17,611	23,142
Intelligence.....	436	1,300
Construction and Engineering.....	76	76
Field Maintenance and Support.....	200	267
Legal Proceedings.....	1,369	1,600
Subtotal.....	20,477	26,112
Program Inspection		
Construction.....	16	200
Administrative Services.....	1,165	2,000
Subtotal.....	1,179	2,200
Total obligations.....	119,128	191,401

Immigration and Naturalization Service

Immigration User Fee

Summary of Requirements
(Dollars in thousands)

	Perma. Pos.	Work- years	Amount
1991 appropriation	2,182	2,136	\$168,850
Increases:			
Mandatory increases .....	...	...	5,661
Reutilization of positions added in 1991 .....	...	171	8,443
Decreases associated with positions added in 1991 .....	...	...	(3,490)
1992 base	2,182	2,307	180,464

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
Estimates by budget activity	Perma. Pos.	WY	Amount	Perma. Pos.	WY	Amount	Perma. Pos.	WY	Amount	Perma. Pos.	WY	Amount
1. Enforcement	2,063	2,029	\$139,838	2,063	2,168	\$150,597	2,111	2,210	\$156,358	48	22	5,761
2. Citizenship and Benefits .....	...	...	250	...	...	250	...	...	250	...	...	...
3. Immigration Support	75	70	26,365	75	75	26,767	90	83	32,143	15	8	5,376
4. Program Direction	44	37	2,196	44	44	2,850	44	44	2,850	...	...	...
Total	2,182	2,136	168,850	2,182	2,307	180,464	2,245	2,337	191,601	63	30	11,137

Immigration and Naturalization Service

Immigration User Fee

Summary of Resources by Program
(Dollars in thousands)

Estimate by Program	1990 Actual		1991 Estimate		1990 Base		1990 Request		Increase/Decrease	
	Pos.	Wt.	Pos.	Wt.	Pos.	Wt.	Pos.	Wt.	Pos.	Wt.
Enforcement:										
Investigations.....	1,475	1,443	1,393	1,396	1,393	2,091	1,393	1,091	1,023,251	...
Inspection.....	11	11	11	11	11	11	11	11	1,000	...
Detention.....	22	22	22	22	22	22	22	22	1,000	...
Border-Security.....	22	22	22	22	22	22	22	22	1,000	...
Detention and Deportation.....	75	87	104	99	104	104	127	113	30,282	...
Subtotal.....	1,506	1,564	1,532	1,538	1,532	2,146	1,542	1,223	156,306	...
Citizenship and Benefits:										
Refugees and Overseas.....	...	...	...	...	...	...	...	...	...	...
Subtotal.....	...	...	...	...	...	...	...	...	...	...
Immigration Support:										
Training.....	6	2	6	2	6	6	6	6	306	...
Immigration Communications Systems.....	12	14	12	14	12	12	12	12	24,112	...
Immigration Statistics.....	12	14	12	14	12	12	12	12	1,348	...
Immigration and Engineering.....	1	1	1	1	1	1	1	1	1	...
Field Management and Support.....	...	...	...	...	...	...	...	...	...	...
Legal Proceedings.....	27	34	25	25	25	25	25	25	1,500	...
Subtotal.....	67	59	56	56	56	56	56	56	32,112	...
Program Direction:										
Executive Direction.....	1	...	1	...	1	1	1	1	...	...
Administrative Services.....	26	31	26	26	26	26	26	26	2,600	...
Subtotal.....	27	31	27	26	27	27	27	27	2,600	...
Total.....	1,600	1,614	1,615	1,616	1,615	2,319	1,615	1,223	191,601	...
Reimbursable Workload.....	...	...	...	...	...	...	...	...	...	...
Total Workload.....	1,614	...	1,616	...	1,616	2,319	1,616	...	...	...
Other Workload:										
Construction.....	253	...	253	...	253	...	253	...	...	...
R.D. Re.....	10	...	10	...	10	...	10	...	...	...
Other.....	133	...	133	...	133	...	133	...	...	...
Subtotal.....	2,316	...	2,316	...	2,316	...	2,316	...	...	...

Immigration and Naturalization Service
Immigration User Fee
Justification of Program and Performance

Activity: Enforcement	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Inspections	1,925	1,906	\$113,719	1,925	2,051	\$123,351	1,925	2,051	\$123,351	...	...	...
Investigations	12	11	621	12	11	674	22	15	1,005	10	4	\$131
Anti-Smuggling	22	22	1,360	22	22	1,407	27	25	1,720	5	3	313
Detention and Deportation..	104	90	24,138	104	104	25,155	137	119	30,282	33	15	5,117
Total	2,063	2,029	139,838	2,063	2,188	150,597	2,111	2,210	156,359	48	22	5,761
Inspections	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Inspections	1,925	1,906	\$113,719	1,925	2,051	\$123,351	1,925	2,051	\$123,351	...	...	...

Long-Range Goal: To ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified; provide support to the Adjudications and Naturalization program by approving or denying applications and petitions for benefits that are sent to ports of entry for remote adjudication during inspector standby time.

Major Objectives:

Inspect (in cooperation with other Federal agencies) all applicants for admission into the United States at air and sea ports of entry within 45 minutes of their presentation for inspection.

Facilitate the entry of qualified persons through air and sea ports of entry.
 Prevent the entry of inadmissible applicants through air and sea ports of entry.
 Detect fraudulent documents including those representing false claims to U.S. citizenship or permanent residence status used for illegal entry.
 Adjudicate applications and petitions at ports of entry in order to efficiently utilize inspector standby time.

Base Program Description: The function of this program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission into the United States. Applicants for admission into the United States are inspected at ports of entry to determine if they qualify for admission, and if so, under what conditions. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities. Determination of inadmissibility is based on examination of the applicant, related documents or prior information. Local and National lookout systems containing information relating to excludable aliens are available for use at each port of entry. Inadmissible aliens are denied entry into the United States. Any criminal activity discovered in the inspection process is referred for appropriate investigation. Applications and petitions for a full range of benefits under the immigration laws are adjudicated during periods of standby time at most ports of entry during non-peak workload hours.

Accomplishments and Workload: Accomplishments of the inspections program are presented in the following table:

Item	Estimates		
	1989	1990	1991
Persons Inspected-User Fee.....	51,625,913	56,365,113	61,910,000
Inadmissible Aliens Intercepted -			
User Fee.....	77,006	81,450	81,000
			81,000

Program Changes: Although there are no program increases requested, the full year impact of the 450 new positions in 1991 will provide an additional 145 workyears in support of the inspections program. It is expected that these additional positions will provide considerable progress toward achieving the 45 minute inspection goal. Once the impact of these positions is known, and if estimated receipts are realized, additional staffing may be requested.

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1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
Anticipated		Perm.		Perm.		Increase/Decrease	
Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
12	11 \$621	12	11 \$674	22	15 \$1,005	10	4 \$331

Investigations.....

Long Range Goal: To enforce the Immigration and Nationality Act within the interior of the United States; identify law violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

Major Objectives:

Provide investigative support to other Service branches by locating aliens who have absconded from deportation or exclusion proceedings associated with international air and sea travel.

Investigate and apprehend aliens who commit major criminal offenses, with emphasis on international criminal alien organizations involved in narcotics trafficking, subversion, terrorism, and other serious or violent criminal activities associated with international air and sea travel.

Prosecute and deter arrangers and facilitators who conspire with and assist aliens to fraudulently obtain immigration benefits or perpetrate major fraud schemes.

Base Program Description: The function of this program is to detect criminal law violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Cases investigated involve multi-national criminal alien organizations engaged in racketeering, smuggling, counterfeiting, prostitution, official corruption, weapons and narcotics trafficking, employers who knowingly hire illegal aliens, and individual aliens who entered the United States illegally to find employment. Investigative task forces concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization. Administrative investigations are accomplished through traditional investigative techniques, such as interviews at places of residence and employment, and reviews of civil and business records. Investigations often require the service of subpoenas and search warrants to obtain evidence or to gain access to employment sites where illegal aliens are working.

Accomplishments and Workload: Accomplishments of the Investigations program are presented in the following table:

Item	1989		1990		1991		1992	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Deportable Aliens Apprehended.....	168		1,205		1,400		1,400	
Cases Completed.....	31		65		60		60	

Program Changes

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Investigations.....	12	\$674	22	\$1,005	10	\$331

An increase of 10 positions, 4 workyears and \$331,000 is requested for 1992.
The additional agents will pursue investigation and prosecution of vendors and fraud facilitators who furnish fraudulent documents detected at airports and seaports.

1991 Appropriation

	Anticipated		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Anti-Smuggling.....	22	\$1,360	22	\$1,407	25	\$1,720	5	\$313

Long Range Goal: To reduce the number of illegal aliens entering the United States by conducting pro-active criminal investigations that target major domestic/international alien smuggling organizations.

Major Objectives:

Identify smugglers of illegal aliens operating at international air and sea ports of entry.

Investigate and apprehend smugglers of illegal aliens, concentrating resources on major violators associated with international air and sea ports of entry.

Gather sufficient evidence to support U.S. Attorneys in obtaining convictions of smuggling violators associated with international air and sea ports of entry.

Base Program Description: The primary function of the Anti-Smuggling Program is to curtail and prevent the growth of the illegal immigrant population in this country by locating, apprehending and prosecuting alien smugglers involved in extensive smuggling operations, and by locating and apprehending deportable aliens who use such means to enter the country without detection. While the large majority of alien smugglers apprehended by INS enforcement personnel are considered minor violators who operate independently and infrequently, a growing number of these violators are associated with large-scale, highly-organized criminal conspiracies. Quite often, these professional organizations are simultaneously involved in other illegal activities such as narcotics and weapons smuggling, extortion, kidnapping, peonage, and document fraud on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as, undercover and task force operations.

Accomplishments and Workload: Accomplishments of the Anti-Smuggling Program are presented in the following table:

<u>Item</u>	<u>Estimates</u>	
	<u>1991</u>	<u>1992</u>
Smugglers Apprehended.....	220	230
Cases Completed.....	171	200
Convictions of Smugglers.....	87	120
	118	135

The Anti-Smuggling Airport/Seaport Program was established to enhance the Inspections process at major international U.S. airports and seaports. Their presence greatly enhances the Service's overall enforcement capabilities, as they identify major alien smuggling organizations and conduct high-level criminal investigations. Their goal is to prosecute, incarcerate and/or remove this criminal element. The vast majority of these investigative targets are criminal aliens, who are extremely sophisticated and well-financed.

Program Changes

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	WT Amount	Pos.	WT Amount	Pos.	WT Amount
Anti-Smuggling.....	22	\$1,407	27	\$1,720	5	\$313

An increase of 5 positions, 3 workyears, and \$313,000 is requested in 1992.

These positions will aid in the conduct of multi-faceted conspiracy investigations and multi-agency task force operations. Based on current productivity statistics (7.4 prosecutions per agent and an 87 percent case acceptance rate by the U.S. Attorneys), the Anti-Smuggling presence at these major ports is furthering the program's overall mission and directly supporting the INS inspection process through the conduct of these major alien smuggling investigations.

1991 Appropriation

	Anticipated		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	WT Amount	Pos.	WT Amount	Pos.	WT Amount	Pos.	WT Amount
Detention and Deportation.....	104	\$24,138	104	\$25,165	137	\$30,282	33	\$5,117

Long Range Goal: To detain, until ready for removal, alien passengers subject to exclusion proceedings before an immigration judge, who are likely to abscond or represent a danger to public safety and security.

Major Objectives:

Provide for the safe and secure detention of alien passengers under exclusion proceedings in custody for a hearing before an immigration judge.

Base Program Description: The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the detention, exclusion, expulsion, removal, parole and deportation of aliens. Service and non-Service (contract) facilities are used to detain, until ready for removal, those aliens subject to deportation or

exclusion proceedings who are likely to abscond or whose freedom at large would clearly represent a present danger to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

Under amendments to Section 286 of the Immigration and Nationality Act contained in the Department of Justice Appropriations Act, 1987 P.L. 99-500, INS now has the responsibility and cost burden of holding alien passengers under exclusion proceedings in custody for a hearing before an immigration judge. Prior to the enactment of this Act, the airlines were responsible for care and custody of aliens who were deemed inadmissible into the United States. With the additional resources provided by the Immigration User Fee Account, INS was able to almost double the immigration inspector positions at all major airports to facilitate the inspection process. With the added inspectors and training given, the interception of mala fide entrants with fraudulent documents increased from 66,000 in 1986 to about 80,000 by 1989.

Accomplishments and Workload: Accomplishments of the Detention and Deportation Immigration User Fee program are presented in the following table.

Item	Estimated	
	1989	1990
Aliens Detained	7,533	9,078
Number of Detention Days	200,377	241,408
Average Stay in Detention (Days)	26.6	26.6
Aliens Expelled	55,565	67,614
		80,475
		84,500

The Detention and Deportation Program is tasked with locating available space in local jails, hotels, motels, and contract detention facilities in which to house exclusion cases in the major metropolitan airports.

Program Changes	1992 Base		1992 Estimate		Increase/Decrease	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Detention and Deportation	104	\$25,165	137	\$30,282	33	\$5,117

An increase of 33 positions, 15 workyears and \$5,117,000 is requested for 1992. The requested funds will provide sufficient funding for an additional 59,660 mandays of detention and provide staffing and operating costs to meet the user fee requirements.

This enhancement will allow the Service to provide appropriate non-service detention space to User Fee cases that are occupying a significant amount of space in INS Service Processing Centers that could otherwise be used to detain criminal aliens or administrative detainees.

The growth in the detection of male 'Kide entrants resulting from the increased number of inspectors has caused considerable growth in the number of aliens who request hearings to challenge their exclusion from the United States. Additional resources are required to detain these aliens in facilities other than the INS Service Processing Centers, which must be used for the detention of administrative deportation cases.

Citizenship and Benefits	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.
Refugees and Overseas.....			\$250			\$250			\$250		

Long-Range Goal: Approve qualified applicants for refugee status and for admission into the United States; adjudicate petitions and applications for benefits under the Immigration and Nationality Act (INA); and verify claims on applications and petitions by conducting immigration investigations. Coordinate and implement overseas enforcement initiatives directed against illegal immigration, fraud and related activities. Establish beneficial liaison with host governments, United States agencies and others to ensure mission related information sharing.

Major Objectives:

Maintain established pre-clearance sites in overseas locations throughout the world.

Conduct training for representatives of foreign carriers and immigration authorities on the detection of fraudulent documents.

Coordinate with United States missions abroad and represent United States immigration policy interests and concerns to host governments, international organizations, and private voluntary agencies.

Establish relationships conducive to the collection and dissemination of information of importance to the United States.

Base Program Description: The program maintains established pre-clearance sites in overseas locations.

Major Accomplishments:

INS overseas officers conducted and coordinated international liaison activities and training of other U.S. agencies and host country enforcement and immigration organizations and airlines.

Activity: Immigration Support

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Anticipated									Perm.	
	Pos.	WY	Amount	Pos.	WY	Amount	Perm.	WY	Amount	Pos.	Amount
Training.....	8	8	\$485	8	8	\$502	8	8	\$502	...	...
Data and Communications	27	24	23,662	27	27	23,892	27	27	28,112	...	\$4,220
Systems.....	10	10	400	10	10	450	24	17	1,588	14	7 1,138
Intelligence.....											
Construction and											
Engineering.....	1	1	75	1	1	76	2	2	94	1	18
Field Management											
and Support.....	4	2	200	4	4	247	4	4	247	...	...
Legal Proceedings.....	25	25	1,544	25	25	1,600	25	25	1,600	...	...
Total.....	75	70	26,366	75	75	26,767	90	83	32,143	15	5,376

This activity includes the resources for construction, communications, automated data processing, training of personnel, field management, legal proceedings, and the alien documentation program (ADIT). In addition, it provides a capacity to examine and analyze documents to assist in the identification, investigation and prosecution of major conspiracies which provide fraudulent documents to smuggled aliens.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Anticipated												
Training.....	0	0	\$485	0	0	\$502	0	0	\$502	...	...	...

Long Range Goal: To establish and maintain an employee development system that meets the needs of management and individual employees and complies with regulatory requirements.

Major Objectives:

Provide administrative support to the basic training of all new recruits and advanced technical training for journeymen officers, and develop updated curricula for the basic and journeyman training programs associated with the Inspections User Fee activities.

Base Program Description: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through in-service training using INS instructors, through programs conducted by other Federal agencies, by private contractors, or in combined presentations using Service and non-Service resources.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Anticipated												
Data and Communications....	27	24	\$23,662	27	27	\$23,892	27	27	\$28,112	...	...	\$4,220

Long-Range Goal: To establish and maintain automated and electronic technical support to increase the efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's informational needs; provide radio and electronics equipment and systems required by the INS to support its law enforcement functions; and promote the sharing of information with other Federal agencies to reduce the paperwork burden, to both the public and INS.

Major Objectives:

Develop, implement and maintain the Interagency Border Inspection System (IBIS) at air and sea ports of entry, based on interagency system plans.

Ensure the cost effectiveness of new information systems through the use of contemporary techniques for quantifying and justifying automated data processing (ADP) based systems and data bases related to Immigration User Fee Programs.

Improve the quality, reliability, interconnection, maintenance, and upgrade the accessibility of existing database systems.

Base Program Description: The function of this program is to provide direct support to the Service's operational organizations as well as administrative support functions in the areas of ADP, radio, and electronics systems. This includes: (1) improving the effectiveness and efficiency of Service functions through the use of computer resources in information processing; (2) providing for the operation of data and communications networks; and (3) providing radio communications, telephone call handling, intrusion detection (sensors), and electronic security equipment and systems.

Program Changes

	1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	NY Amount		Perm. Pos.	NY Amount		Pos.	NY Amount
Data and Communications.....	27	\$23,892		27	\$28,112		...	\$4,420

An increase of \$4,420,000 is requested for 1992. These resources will enhance three major systems related to User Fee activities.

For the expansion and maintenance of the Interagency Border Inspection System (IBIS), \$3,650,000 is requested. The Departments of Justice, Treasury, State and Agriculture have developed a single mainframe-based system for all primary lookout queries, Interagency Border Inspection System (IBIS), building on Customs' Treasury Enforcement Communications System II (TECS II). This system is being phased into ports of entry based on an agreed to interagency plan for 1989 through 1992 contingent upon funds allocations. Four IBIS sites were completed in 1989. Fourteen IBIS sites were completed in 1990, and equipment for nine additional sites was purchased. The level of funding for 1991 will allow for operations, maintenance, and enhancement/completion of 21 additional sites. The funding request for 1992 includes money for expansion of IBIS to up to 18 additional sites and the operation and maintenance of existing sites. For the National Immigration Information System (NIIS), \$770,000 is requested. These resources will be used to continue software development to implement additional inspections requirements and provide for the conversion of the data base to a more up to date, responsive system with increased storage capacity.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Intelligence.....	10	10	\$400	10	10	\$450	24	17	\$1,588	14	7	\$1,138

Long Range Goal: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide meaningful intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency.

Major Objectives:

Furnish assistance in the detection of fraudulent identity documents to international law enforcement agencies and international air carriers.

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components

Maintain liaison with appropriate United States and foreign government agencies on immigration and national security matters including the movement of known or suspected international terrorists.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act.

Base Program Description: This program provides strategic and tactical intelligence support to Immigration Inspectors enforcing the provisions of the Immigration and Nationality Act at air and sea ports of entry, and assists other Federal agencies in addressing national security issues. The Service's forensic document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, alien smuggling, false claims to citizenship and other frauds.

Accomplishments and Workload: Accomplishments of the Intelligence program are presented in the following table:

Item	Estimates		
	1989	1990	1991 1992
Cases received for examination of fraudulent documents (Air and Sea).....	590	826	900 1,000
Cases completed for examination of fraudulent document (Air and Sea).....	590	826	900 1,000
Program Changes			
Intelligence.....	1992 Base		1992 Estimate
	Pos.	NY Amount	Pos. NY Amount
	10	\$450	24 17 \$1,500
			14 7 \$1,136

An increase of 14 positions, 7 workyears and \$1,136,000 is requested. To fully support the inspectors at their respective ports of entry, the following equipment is requested for each specialist position:

- o One teleimagery (photophone) package;
- o One personal computer with printer and necessary software;
- o One secure telephone;
- o One secure facsimile machine;
- o One shredder; and
- o One safe approved for storage of National Security Information.

The airport positions will provide immediate support in secondary inspections at major airports having heavy international travel and will detect significant numbers of excludable aliens. The additional personnel in the documents laboratory will allow expansion of resources to meet increased demands from the field in general and from the seven on-site research specialists.

		1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
		Anticipated									Perm.	
		Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Construction and Engineering.	1	1		\$75	1	1	\$76	2	2	\$34	1	1

Long Range Goal: To provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Immigration and Nationality Act.

Major Objectives:

Review plans associated with the construction, alteration, and maintenance of effective, safe, energy conserving, and attractive facilities associated with the Immigration User Fee program.

Base Program Description: The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the Service is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease, by INS construction and through assignment by airport authorities. New inspection facilities are coordinated as necessary with U.S. Customs Service, Public Health Service, Department of Agriculture, GSA, state, county, local airport and foreign authorities.

Accomplishments:

One workyear is currently devoted to review and provides engineering oversight of air and seaport facilities.

Program Changes

	1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	MY Amount		Perm. Pos.	MY Amount		Perm. Pos.	MY Amount

Construction and Engineering..... 1 1 \$76 2 2 \$94 1 1 \$18

An increase of 1 position, 1 workyear and \$18,000 is requested for 1992 to provide additional architectural and engineering services arising from activities related to the construction of inspection facilities at U.S. airports as well as pre-clearance facilities at overseas locations. Many Service airport facilities are outdated and undersized. There are currently 48 active airport projects in various stages of progress and more to follow as the rates of foreign travel increase. An additional position will allow INS to keep pace with the anticipated higher level of activity.

1991 Appropriation
Anticipated

	1992 Base			1992 Estimate			Increase/Decrease	
	Perm. Pos.	MY Amount		Perm. Pos.	MY Amount		Perm. Pos.	MY Amount

Field Management and Support... 4 2 \$200 4 4 \$247 4 4 \$247

Long Range Goal: To provide management direction to field units that implement major policy and management decisions for more than one program.

Major Objectives: Ensure effective law enforcement and uniform implementation of INS policy, procedures and operational goals; provide efficient service to the public; and devise techniques and procedures for responding to regional and local conditions and circumstances.

Base Program Description: The function of this program is to provide management direction and support for the implementation and operation of regional and field activities and functions. This program includes managers and supervisors who are charged with responsibility for, and exercise authority over, multiple programs.

Accomplishments: The Field Management and Support program provides management direction to field units on implementing INS policy and initiatives at the field level for the Service's commitment to the efficient management of Immigration User Fee activities, particularly in the coordination of resources supplied by several programs in support of airport and seaport operations.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Anticipated										
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Legal Proceedings	25	25	\$1,544	25	25	\$1,600	25	25	\$1,600	...	..

Long Range Goal: To provide legal representation for the United States Government in all cases and matters involving exclusion proceedings and INS's debt collection activities.

Major Objectives:

Provide INS legal support and representation at exclusion proceedings with emphasis on excluding criminal aliens and collecting debts owed the government.

Base Program Description: INS attorneys represent the Service at exclusion hearings and litigate to collect debts owed the government for breached bonds.

Accomplishments and Workload: Accomplishments of the Legal Proceedings program are presented in the following table:

Item	1989		1990		Estimates	
	1991	1992	1991	1992	1991	1992
Exclusion Appearances	16,202	17,570	17,400	17,600	17,400	17,600
Cases Prepared	19,321	20,286	20,300	20,300	20,300	20,300
Preparation of Legal Briefs	1,391	1,612	1,650	1,650	1,650	1,650
Legal Consultation	12,276	11,995	12,000	12,000	12,000	12,000
Legal Memos	765	776	800	800	800	800

1991 Appropriation		Anticipated		1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	Pos.	MY	Amount	Perm.	MY	Amount	Perm.	MY
Activity: Program Direction									
Executive Direction	3	2		\$146	3	3	\$200	...	...
and Control	41	35		2,250	41	41	2,650	...	...
Administrative Services	44	37		2,396	44	44	2,850	...	...
Total									

1991 Appropriation		Anticipated		1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	Pos.	MY	Amount	Perm.	MY	Amount	Perm.	MY
Activity: Program Direction									
Executive Direction	3	2		\$146	3	3	\$200	...	...
and Control									

Long Range Goal: To increase the effectiveness of the Service through the use of Mission Plan goals and strategies; formulate and coordinate meaningful and consistent policy; provide program direction throughout all levels of the Service; and evaluate policy with a view toward recommending practical changes.

Major Objectives:

Provide for continuity, coordination and control of the overall management and administration of INS as related to the Immigration User Fee Program.

Base Program Description: The function of this program is to execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources. Included in this program are duties related to: (1) providing executive direction and control of the Service; (2) providing management to the Service in the areas of contracting and Equal Employment Opportunity; (3) furnishing accurate and prompt responses to Congressional and public inquiries; (4) administering and maintaining an effective budgeting system, and (5) developing and evaluating policies and systems to improve the effectiveness of Service programs.

1991 Appropriation Anticipated

Pos.	FY	Amount	1992 Base		1992 Estimate		Increase/Decrease	
			Pos.	FY	Amount	Pos.	FY	Amount
41	35	\$2,250	41	41	\$2,650	41	41	\$2,650

Administrative Services.....

Long Range Goal: Provide the full-range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

Major Objectives:

Provide accounting support services and program direction related to the Immigration User Fee program.

Provide property management and procurement support and program direction related to the Immigration User Fee program.

Provide overall management direction and control for all management programs and the full range of security, safety and health support activities as related to the Immigration User Fee program.

Base Program Description: The function of this program is to provide for the development, implementation, direction, evaluation and operation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. The major functions within this program include: personnel; accounting, equal employment opportunity; procurement; property management; fleet management; security and health; and other miscellaneous general services which benefit all programs within INS.

Accomplishments and Workload: Accomplishments of Administrative Services program are presented in the following table:

Item	Estimates	
	1991	1992
Collection of Fines, Fees, etc. (\$000's)	108,456	117,805
(Air and Sea)	168,950	205,700

Immigration and Naturalization Service

Immigration User Fee

Detail of Permanent Positions by Category (1)

Fiscal Years 1990-1992

Category	1990 Authorized	1991 Authorized	1992	
			Program Increase	Total
Attorneys (905).....	20	18	...	18
Detention and Deportation Officers (1801).....	75	104	33	137
Criminal Investigators (1811).....	36	34	15	49
Immigration Inspectors (1816).....	1,475	1,923	...	1,923
Engineering and Architecture (800-899).....	...	1	1	2
General Administrative and Clerical (300-399).....	73	98	14	112
Accounting and Budget (500-599).....	1	2	...	2
Total.....	1,680	2,182	53	2,245
Washington.....	11	14	1	15
U.S. Field.....	1,552	2,051	52	2,113
Foreign Field.....	117	117	...	117
Total.....	1,680	2,182	53	2,245

(1) This exhibit provides detail of reimbursable positions not portrayed in the salaries and expenses budget.

Immigration and Naturalization Service

Immigration User Fee

Summary of Requirements by Grade and Object Class

	1990 Actual				1991 Estimate				1992 Request				Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
(Dollars in thousands)														
Grades and salary ranges														
GS-14, \$52,405-\$64,125.....	20		18		18		18		18		18		...	...
GS-13, \$44,348-\$57,650.....	7		17		17		25		25		25		8	8
GS-12, \$37,294-\$49,481.....	64		49		49		109		109		109		45	45
GS-11, \$31,116-\$40,445.....	...		...		...		3		3		3		3	3
GS-9, \$25,717-\$33,430.....	1,475		1,325		1,325		1,325		1,325		1,325		...	...
GS-7, \$14,919-\$24,596.....	...		...		...		1		1		1		1	1
GS-5, \$14,919-\$24,596.....	66		130		130		154		154		154		88	88
GS-3, \$14,919-\$24,596.....	4		3		3		4		4		4		1	1
GS-4, \$15,171-\$19,725.....	...		...		...		6		6		6		6	6
1992 pay increase.....	...		...		...		...		...		...		...	...
Total, positions.....	1,546	638,184	2,162	644,825	2,162	644,825	2,162	644,825	2,162	644,825	2,162	644,825	63	4,448
Pay above stated annual rates.....	...		...		...		...		...		...		...	...
Leave.....	(160)	(4,094)	(217)	(5,867)	(160)	(4,094)	(217)	(5,867)	(160)	(4,094)	(217)	(5,867)	136	3,697
Savings due to lower pay scales for part of year.....	...		...		...		...		...		...		...	...
Net full-time personnel.....	1,386	25,070	1,945	33,958	1,945	33,958	1,945	33,958	1,945	33,958	1,945	33,958	559	8,165
Other than personnel:														
Other part-time and intermittent employment.....	201	7,626	201	9,815	201	9,815	201	9,815	201	9,815	201	9,815	...	24
Other personnel compensation:														
Overhead.....	133	2,639	133	2,641	133	2,641	133	2,641	133	2,641	133	2,641	3	307
Administratively uncontrollable overhead.....	10	203	10	310	10	310	10	310	10	310	10	310	...	10
1331 Act Overhead.....	753	81,017	753	84,073	753	84,073	753	84,073	753	84,073	753	84,073	...	1,916
Special personal services payments.....	...	27	...	6	...	6	...	6	...	6	...	6	...	...
Total, nonpersonnel compensation.....	2,639	64,644	3,054	90,829	3,054	90,829	3,054	90,829	3,054	90,829	3,054	90,829	204	10,622
Average GS/GR Salary.....		(184,540)		(185,722)		(185,722)		(185,722)		(185,722)		(185,722)		
Average GS/GR Grade.....		(9.19)		(9.15)		(9.15)		(9.15)		(9.15)		(9.15)		

Immigration and Naturalization Service

Immigration User Fee

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Object Class	1990 Actual		1991 Estimate		1992 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	1,320	85,070	1,335	85,958	2,136	86,123	801	84,163
11.3 Other than permanent.....	201	7,468	201	3,813	201	3,439	...	25
11.5 Other personnel compensation.....	918	23,959	918	27,050	921	25,483	3	2,433
11.8 Special personnel services payments.....	...	27	...	6	...	6	...	...
Total.....	2,639	66,461	3,054	90,687	3,258	101,451	204	10,622
Other objects:								
12 Personal benefits.....	13,275	15,162	15,162	15,162	20,972	20,972	...	4,811
21 Travel and transportation of persons.....	1,321	4,039	4,039	4,039	4,330	4,330	...	291
22 Transportation of things.....	427	2,562	2,562	2,562	2,562	2,562	...	67
23.1 RRM rent.....	...	...	2,500	2,500	2,500	2,500	...	...
23.2 Rental payments to others.....	43	623	623	623	623	623	...	...
23.3 Communications, utilities and miscellaneous charges.....	1,577	2,381	2,381	2,381	2,608	2,608	...	227
24 Printing and reproduction.....	343	2,317	2,317	2,317	2,356	2,356	...	39
25 Other services.....	284,251	42,420	42,420	42,420	43,913	43,913	...	7,493
26 Supplies and materials.....	853	2,306	2,306	2,306	2,728	2,728	...	222
31 Equipment.....	1,006	2,417	2,417	2,417	1,218	1,218	...	(1,199)
42 Insurance claims and indemnities.....	10	...	...	...	...	...	...	...
44 Refunds.....	32	...	...	...	...	...	...	...
Total obligations.....	2,639	114,128	3,054	168,820	3,258	191,601	204	22,751
Rejection of obligations to outlays:								
Obligated balance, start-of-year.....		34,074		22,054		15,996		
Obligated balance, end-of-year.....		(22,054)		(15,996)		(15,996)		
Outlays.....		116,148		171,966		191,601		

Department of Justice
Immigration and Naturalization Service
Land Border Inspection Fee
Estimates for Fiscal Year 1992

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Immigration and Naturalization Service

Land Border Inspections Fee

Summary Statement

Fiscal Year 1992

A Land Border Inspections Fee was authorized in Section 210 of the 1991 Department of Justice Appropriations Act (P.L. 101-513), which authorizes the Attorney General to establish, by regulation, a pilot project under which a fee may be charged and collected for inspection services provided at one or more land border ports of entry to study the feasibility of charging fees to enhance services at land border ports of entry. The statute indicates that the project may include the establishment of commuter lanes to be made available to qualified United States citizens and aliens. Currently, the Immigration and Naturalization Service is studying several potential sites for the pilot projects. The authorization for the Land Border Inspection Fee project terminates on September 30, 1993, unless it is extended by the Congress.

Immigration and Naturalization Service

Land Border Inspections Fee

Summary of Requirements

(Dollars in thousands)

	1990 Actual	1991 Estimate	1992 Request
Financing			
Unappropriated balance, start of year.....
Receipts.....	61,991
Total available for appropriation.....	1,991
Appropriation.....	1,991
Unappropriated balance available, end of year.....
Obligations by program			
Enforcement:			
Inspections.....	1,991
Total obligations.....	1,991

Immigration and Naturalization Service

Land Border Inspections Fee

Summary of Requirements

(Dollars in thousands)

	Perma. Pos.	Work- years	Amount
1991 appropriation
Increases:			
Mandatory increases
1992 base

	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Perma. Pos.	WY Amount	Perma. Pos.	WY Amount	Perma. Pos.	WY Amount	Perma. Pos.	WY Amount
Estimates by budget activity								
1. Enforcement	23 \$1,991	...	23 \$1,991
2. Citizenship and Benefits
3. Immigration Support
4. Program Direction
Total	23 \$1,991	...	23 \$1,991

Immigration and Naturalization Service											
Land Border Inspection Fee											
Summary of Resources by Program											
(Dollars in thousands)											
Estimate by program	1990 Actual			1991 Estimate			1992 Base			1992 Request	
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Enforcement:											
Inspection.....	23
									61,991		61,991

Immigration and Naturalization ServiceLand Border Inspections FeeJustification of Program and Performance

Activity: Enforcement

1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
Perm.	Enacted	Perm.		Perm.		Perm.	
Pos.	NY	Pos.	NY	Pos.	NY	Pos.	NY
	Amount		Amount		Amount		Amount
Inspections.....	23 \$1,991	...	23 \$1,991

Long-Range Goal: Ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified.

Major Objectives:

Establish a Test Land Border Inspection Fee Pilot Project that will expand the number of inspectors at specific test locations, facilitate traffic flow, and provide a more efficient service to the public.

Inspect (in cooperation with other Federal agencies) all applicants for admission into the United States.

Facilitate the entry of qualified persons through ports of entry.

Prevent the entry of inadmissible applicants through ports of entry.

Detect fraudulent documents including those representing false claims to U.S. citizenship or permanent residence status and seize conveyances used for illegal entry.

Base Program Description: The function of this program is to enforce and administer the immigration and nationality laws with respect to the inspections of all persons seeking admission into the United States. Applicants for admission and if so, under what conditions. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities. Determination of inadmissibility is based on examination of the applicant, related documents or prior information. Local and National lookout systems containing information relating to excludable aliens are available for use at each port of entry. Inadmissible aliens are denied entry into the United States. Any criminal activity discovered in the inspection process is referred for appropriate investigation.

Land border inspections are currently funded from the Service's basic appropriation. Since 1984 the land border inspections workload has increased by over 34 percent, while staffing at these land border ports has increased by only four percent. The newly enacted Land Border Inspection Fee authorized a pilot project under which a fee may be charged and collected for inspection services provided at one or more land border ports of entry. The purpose of this project is to study the feasibility of supporting land border inspections through fee collection and improving service to the public. Initial plans are to establish computer lanes for qualified U.S. citizens and aliens. It is anticipated that establishment of computer lanes will facilitate processing and reduce backlogs at land border ports.

Accomplishments and Workload: Accomplishments of the Inspections program are presented in the following table:

Item	1989	1990	Estimate	
			1991	1992
Persons Inspected-Land Border Fee	1,200,000

Over the past two years, the Inspections program at land border ports has experienced increasing workload levels. Total inspections in 1991 are expected to be 426 million, up 13 percent from 1989. Based on consistent increases in traffic, the number of inspections in 1992 is projected to be 450 million. In 1991, an estimated 850,000 inadmissible aliens are expected to be intercepted at land border ports, representing a rate of two detections per 1,000 inspections, continuing the high level of interceptions noted in recent years. Improvements in methodology and techniques of detecting fraudulent attempts to enter into the United States are ongoing. Operational innovations leading to improvements in both border enforcement and facilitation of international travel continue to receive priority.

Public Law 101-515, the Department's 1991 Appropriation Act, authorized INS to establish, with a 3-year sunset provision, a Land Border Fee Pilot Project.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Inspections.....	23 \$1,991	...	23 \$1,991

Program Changes

An initial program under the pilot project authorization will be the establishment of dedicated commuter lanes at selected land border crossings. INS is reviewing several potential sites. Participation in this program, while requiring a fee, will be totally voluntary. At each port of entry, only one or two lanes will be dedicated to the movement of identified, participating commuters, while all other lanes will be utilized for regular, nonpaying vehicular traffic.

This innovative program will enable local frequent border crossers who choose to participate in the pilot project to move smoothly across the international border. At the same time, by removing this population from the regular lanes, other available inspectors will be able to give more attention to other travellers. This sorting system should enable all lanes to move more quickly and steadily, thus enhancing service without a significant increase in personnel.

Immigration and Naturalization Service

Land Border Inspections Fee

Financial Analysis of Change

(Dollars in thousands)

Item	Inspections	
	Wt.	Amount
Other than permanent.....	23	\$591
Other personnel compensation.....	9	230
Personnel benefits.....	...	120
Other services.....	...	1,040
Equipment.....	...	10
Total, program workyears and obligation changes requested, 1992	32	1,991

Immigration and Naturalization Service

Land Border Inspections Fee

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

	1990 Actual		1991 Estimate		1992 Request		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
Other than permanent:								
Other part-time and intermittent employment.....	23	\$591	23	\$591
Other personnel compensation 1931 Act Overtime.....	9	230	9	230
Total, workyears and personnel compensation.....	32	821	32	821

Immigration and Naturalization Service

Land Border Inspections Fee

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Object Class	1990 Actual		1991 Estimate		1992 Request		Increase/Decrease	
	Months	Amount	Months	Amount	Months	Amount	Months	Amount
11.1 Full-time permanent.....
11.3 Other than permanent.....
11.5 Other personnel compensation.....
11.8 Special personnel services payments.....
Total.....
Other objects:								
12 Personal benefits.....
25 Other services.....
31 Equipment.....
Total obligations.....
Relation of obligations to outlays:								
Total obligations.....
Obligated balance, start-of-year.....
Obligated balance, end-of-year.....
Outlays.....

DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Immigration Examination Fee
Estimate for Fiscal Year 1992

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Immigration and Naturalization Service
Immigration Examinations Fee
Summary Statement
Fiscal Year 1992

The Immigration and Naturalization Service (INS) is requesting 2,822 positions, 2,607 workyears and \$196,916,000 for adjudication and naturalization activities and related support services. Consistent with Congressional intent, the cost of these services is to be funded from fees collected from individuals applying for benefits under the provisions of the Immigration and Nationality Act.

The Immigration Examinations Fee Account was established in the Department of Justice Appropriation Act, 1989 (P.L. 100-459). Section 209 of the Act amends 8 U.S.C. 1356 by establishing a separate account into which the Attorney General may deposit adjudication fees collected under the regulations governing INS. All deposits to the account are paid out of this appropriation for expenses in providing immigration adjudication and naturalization services. The resources to be made available are used to adjudicate applications and petitions for benefits under the Immigration and Nationality Act and to provide necessary support to the Adjudications and Naturalization program.

Section 303 of the Immigration Reform and Control Act of 1986 provides for a Replenishment Agricultural Worker (RAW) Program. Based on a joint determination between the Departments of Labor and Agriculture, in consultation with the Department of Commerce, the number of RAW workers required in the U.S. will be identified annually. This will occur by October of each year and may be done at other times during the year should an agricultural worker shortage occur. Once this number is identified, INS will adjust its workload and resource estimates accordingly.

This budget includes resources for the payments of specific expenses necessary to adjudicate applications and petitions for benefits provided under the Immigration and Nationality Act and to naturalize eligible aliens in a timely, efficient and equitable manner.

In 1991, a number of new resource requirements have been added to the Immigration Examinations Fee Account. Included in these requirements are: Refugees and Overseas program, Soviet Refugee Processing program, full reimbursement to the U.S. Courts for naturalization activities, increased charges for FBI name and fingerprint checks, and creation of the Asylum Officer Corps. In order to fund these requirements, INS has temporarily delayed complete implementation of other new and essential programs, such as the Employment Authorization Document program that will address concerns relating to employer sanctions, and the Direct Mail program that will improve the timeliness and level of service to the public.

INS has taken steps to implement a revised fee structure that will recover the total costs of providing services funded by the Immigration Examinations Fee Account. The receipt estimates reflected in the 1991 and 1992 budgets are based on implementation of the proposed fee schedule on April 1, 1991. When the actual fee increases are implemented, a revised receipt estimate will be submitted to incorporate adjustments, if any, to the proposed fees and reflect the actual implementation date.

However, because of the uncertainty of the 1991 receipt level, obligations included in the 1991 estimated budget reflect a conservative staffing estimate. If fees are realized in 1991, as anticipated, a reprogramming request will be forwarded to use these additional resources to increase staffing levels for the Adjudications and Naturalization program. This will cause the balances reflected in this budget to be revised.

Immigration and Naturalization Service

Immigration Examinations Fee

Crosswalk of 1991 Changes

(Dollars in thousands)

Activity/Program	1991 President's Budget Request			Transfer of Refugees and Overseas Program			Reprogrammings			1991 Appropriation Anticipated		
	Pos.	NY	Ref.	Pos.	NY	Ref.	Pos.	NY	Ref.	Pos.	NY	Ref.
Citizenship and Benefits												
a. Adjudications and Natl.....	1,615	1,605	979,386	...	...	...	199	357	437,001	1,814	1,862	8116,387
b. Refugees and Overseas.....	...	...	...	105	168	612,000	205	114	13,676	310	282	24,676
Subtotal.....	1,615	1,605	979,386	105	168	12,000	404	471	43,677	2,124	2,144	141,063
Immigration Support												
a. Data and Communications Systems	6	4	8,489	...	...	...	41	43	21,211	47	47	31,900
b. Information and Records Mgmt....	40	40	1,925	...	...	...	...	57	1,011	40	97	4,936
c. Intelligence.....	...	...	...	...	...	...	8	8	338	8	8	338
d. Legal Proceedings.....	...	...	...	...	...	...	38	38	2,379	38	38	2,379
Subtotal.....	46	44	10,614	...	...	...	87	146	26,939	133	190	39,553
Program Direction												
a. Administrative Services.....	...	...	...	...	...	...	29	22	702	22	22	702
Subtotal.....	...	...	...	...	...	...	29	22	702	22	22	702
Total.....	1,661	1,649	990,000	105	168	12,000	513	639	71,318	2,279	2,456	181,318

Transfers - P.L. 101-513 directs that the Refugee and Overseas program will no longer be supported by direct appropriations and beginning with 1991 be funded by the Examinations Fee Account.

Reprogrammings - The reprogramming of positions, workyears, and budget authority reflects the effect of permanent reprogrammings in 1990.

Immigration and Naturalization Service			
Immigration Examination Fee			
Summary of Requirements			
(Dollars in thousands)			
	1990 Actual	1991 Appropriation Requested	1992 Request
Financing			
Receipts.....	111,303	102,148	92,112
Unexpended at end, start of year.....	21,946	13,128	26,882
Unexpended at end, end of year.....	(14,826)	(24,825)	(23,949)
Appropriation (obligations).....	123,859	101,110	136,916
Total obligations.....	123,859	101,110	136,916
Obligated balance, start of year.....	342	1,566	19,310
Obligated balance, end of year.....	(1,466)	(13,110)	(26,281)
Delays.....	182,145	163,966	180,510
Obligations by program			
Citizenship and Naturalization & Immigration			
Admission & Overstay.....	108,821	116,397	121,821
Admission & Overstay.....	6,375	6,626	65,853
Subtotal.....	115,196	123,023	187,674
Immigration Support			
Radio and Communication Systems.....	4,940	21,900	31,794
Information and Records.....	1,387	4,536	9,866
Intelligence.....	44	338	382
Legal Proceedings.....	1,714	2,375	2,677
Subtotal.....	8,085	29,151	44,729
Program Direction			
Executive Direction and Control.....	4	...	...
Administrative Services.....	276	702	721
Subtotal.....	280	702	721
Total obligations.....	123,859	101,110	136,916

Notes: Receipt estimates for 1991 and 1992 are based on the implementation of proposed fee increases on April 1, 1991. Should the regulations implementing the increased fees be delayed or the actual fee adjustments be lower than proposed, receipt estimates will be adjusted.

Immigration and Naturalization Service

Immigration Examinations Fee

Summary of Requirements

(Dollars in thousands)

	1991 Appropriation Anticipated		1992 Base		1992 Estimate		Increase/Decrease	
	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount
1991 appropriation anticipated.....	2,279	2,456	2,279	2,456	2,279	2,456	2,279	2,456
Increases:								
Mandatory increases.....	...	...	...	...	...	...	...	...
Annualization of Refugee Officer Corps position.....	...	91	...	91	...	91	...	91
Decreases associated with SSI program.....	(15)	(259)	(15)	(259)	(15)	(259)	(15)	(259)
1992 base.....	2,274	2,288	2,274	2,288	2,274	2,288	2,274	2,288
1992 estimate.....	2,274	2,288	2,274	2,288	2,274	2,288	2,274	2,288
Estimates by budget activity.....								
1. Citizenship and Benefits.....	2,124	2,244	2,119	2,076	2,476	2,278	357	196
2. Immigration Support.....	133	190	133	190	324	313	191	123
3. Program Direction.....	22	22	22	22	22	22	...	...
Total.....	2,279	2,456	2,274	2,288	2,822	2,607	548	319

Total..... 2,279 2,456 181,318 2,274 2,288 180,051 2,822 2,607 196,916 548 319 16,865

Immigration and Naturalization Service

Immigration Examinations Fee

Summary of Resources by Program

(Dollars in thousands)

Estimates by Program	1990 as Enacted		1990 Actual		1991 Appropriation and (collected)		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
Citizenship and Benefits	1,011	1,562	1,016	1,016	1,016	1,562	1,016	1,562	1,016	1,562	357	156
Refugees and Naturalization	22	11	6	6	24	24	310	273	310	273	...	...
Refugees and Overstays	1,036	1,573	1,022	1,022	1,040	1,573	1,119	1,573	1,119	1,573	357	156
Subtotal	1,036	1,573	1,022	1,022	1,040	1,573	1,119	1,573	1,119	1,573	357	156
Immigration Support	12	9	4	4	47	31,900	47	47	47	47	15	35
Data and Communications Systems	40	80	47	47	47	4,336	47	47	47	47	15	35
Information and Records	8	4	...	...	8	338	8	8	8	8	15	35
Intelligence	38	19	35	35	36	2,375	36	36	36	36	...	...
Legal Proceedings	98	112	96	96	133	39,353	133	130	133	133	151	123
Subtotal	98	112	96	96	133	39,353	133	130	133	133	151	123
Program Direction	22	17	22	22	22	702	22	22	22	22	...	...
Executive Direction	22	17	22	22	22	702	22	22	22	22	...	...
Administrative Services	22	17	22	22	22	702	22	22	22	22	...	...
Subtotal	22	17	22	22	22	702	22	22	22	22	...	...
Total	1,956	2,102	1,919	1,919	2,279	101,318	2,279	2,268	2,279	2,268	548	319
Total nonyears	2,102	2,102	1,919	1,919	2,279	101,318	2,279	2,268	2,279	2,268	548	319
Other nonyears	38	38	38	38	38	38	38	38	38	38	16	16
Holiday	...	...	...	...	...	...	...	...	...	...	...	...
Over-time	...	...	...	...	...	...	...	...	...	...	...	...
A.D.	...	...	...	...	...	...	...	...	...	...	...	...
Other	...	...	...	...	...	...	...	...	...	...	...	...
Total comparable	2,300	2,300	2,170	2,170	2,768	2,768	2,337	2,337	2,337	2,337	568	568

Immigration and Naturalization Service
Immigration Examinations Fee
Justification of Program and Performance

Activity: Examinations

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY	Amount
Adjudications and Naturalization	1,014	1,962	\$116,387	1,009	1,703	\$111,637	2,166	1,899	\$121,831	357	196	\$10,194
Refugees and Overseas	310	282	24,676	310	373	29,915	310	373	29,915	---	---	---
Total	2,124	2,244	\$141,063	2,119	2,076	\$141,552	2,476	2,272	\$151,746	357	196	\$10,194

This budget activity includes resources for the payments of specific expenses necessary to adjudicate applications and petitions for benefits provided under the Immigration and Nationality Act and to naturalize eligible aliens in a timely, efficient and equitable manner.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY	Amount
Adjudications and Naturalization	1,014	1,962	\$116,387	1,009	1,703	\$111,637	2,166	1,899	\$121,831	357	196	\$10,194

Long-Range Goal: To utilize the authorities provided in the establishment of an Immigration Examinations Fee Account (P.L. 100-459) to provide and maintain sufficient resources to facilitate the efficient, timely adjudication of applications and petitions for benefits provided by law, and to naturalize all eligible applicants.

Major Objectives:

Provide automated capabilities to INS Service Center (SC) and District Office (DO) operations to achieve currency, quality, consistency, equity, and efficiency in accomplishing the objectives detailed below.

Assure that benefits are provided to those entitled under the Immigration and Nationality Act, and denied to those not entitled, in a prompt and courteous manner and without undue burden on the public.

Attain and maintain a current workload in adjudicating applications and petitions for benefits provided by Law.

Attain and maintain currency in naturalization and citizenship cases.

Manage resources in response to workload so that applicants will receive decisions of consistent quality and timeliness in all geographic jurisdictions of the Immigration and Naturalization Service.

Base Program Description: The function of this program is to process, adjudicate, and ultimately grant or deny applications and petitions for benefits provided under the Immigration laws. Adjudications activities include processing applicants for permanent resident status, petitions for relatives, worker's applications, reentry permits, refugee travel documents, and extensions of temporary stay. Naturalization activities include the examination of aliens to determine their qualifications for filing petitions for naturalization, issuing citizenship documents and having Service officials appear before naturalization courts to present findings of facts and recommendations pertaining to petitions for naturalization.

Accomplishments and Workload:

Accomplishments of the Adjudications and Naturalization program are presented in the following table:

Item	1989 3/	1990	Estimate	
			1991	1992
Adjudications:				
Applications and Petitions received.....	2,442,613	2,937,406	3,294,000 1/	3,475,000
Applications and Petitions completed (a+b) 2/.....				
a. completed within program....	2,605,567	3,010,833	2,843,000 1/	3,819,000
	1,637,844	2,170,084	2,023,000	2,999,000

Item	1989 3/	1990	Estimate	
			1991	1992
b. Completed using Immigration Inspector standby time at ports of entry.....	967,718	840,749	820,000	820,000
Pending, end-of-year.....	431,751	379,706	831,200	487,000
Naturalizations:				
Applications and petitions received.....	423,046	418,402	438,000	454,000
Applications and petitions completed.....	437,903	454,494	428,300	575,300
Pending end-of-year.....	238,025	161,124	171,000	50,000
Persons naturalized.....	241,680	233,922	275,000	275,000
1/ Receipts and completions reflect increases in applications and petitions submitted by newly legalized aliens, aliens affected by the Marriage Fraud Amendment of 1986, and aliens affected by other provisions of INCA.				
2/ Includes Border Crossing Cards.				
3/ The 1989 workload actuals are being displayed in the Immigration Examinations Fee Account even though at that time it was part of the salaries and expenses budget.				
Program Changes:				
	1992 Base		1992 Estimate	
	Perm.	WY Amount	Perm.	WY Amount
	Pos.		Pos.	
Adjudications and Naturalization	1,809	1,703 \$111,637	2,166	1,899 \$121,831
			357	196 \$10,194
INS requests 357 positions (221 officer and 136 support), 196 workyears and \$10,194,160 in program funding to enhance Adjudications operations. These enhancements fall into the following five general areas: Employment Authorization Documents; Service Center Operations; Family Fairness; the Replenishment Agricultural Workers (RAW) Program; and, quality assurance.				

Employment Authorization Documents

INS requests 260 positions (156 officers, 104 support), 130 workyears, and \$5,162,000 to fully implement the Service's Employment Authorization Document (EAD) program.

During 1990, INS implemented the EAD project to replace work authorizations, formerly issued on paper documents, with a more secure, laminated document, that contains the applicant's photo, fingerprint, and signature. The project began in December 1989 in the Eastern Region, and expanded in August 1990 to the other three regions. This program was implemented in 1990 with no additional personnel, using officers and clerks previously assigned to adjustment of status processing, naturalization application processing and other adjudications work.

The EAD program became operational in December 1989. Despite the shortened period during which laminated cards were issued and serious delays in application processing, INS received 245,000 applications for employment authorization documents during 1990. The handling of these applications is labor intensive, averaging 30 minutes of officer time per case and 20 minutes of clerical time per case. Additionally, the completion of the document requires a personal appearance by the applicant at a Service office because the security of the system requires the photograph to be taken as the card is produced. Previously, many applications which included employment authorization were removed (e.g. accepted at a busy, backlogged office and mailed for processing to an office without backlog) to increase efficiency. Applications which include employment authorization (principally student employment and requests for exchange visitor employment) can no longer be processed remotely and must be handled at district offices. The Service has also found that with current resources, applications for employment require 60-90 days for completion. This is unacceptable to the public, because applicants need an EAD before they can obtain a job. The document should be given immediately upon receipt and approval of the application.

It is anticipated that INS will receive 550,000 applications for EAD's during 1991. The Adjudications program requires the additional positions, workyears, and funding specified above to process this EAD workload. The additional resources requested will allow the agency to implement the program as originally designed, eliminating the backlog in EAD applications. Also personnel diverted during 1990 and 1991 for EAD work would be returned to their original duties handling other adjudicative work, thereby reducing backlog that persist in those areas. This operation will be supported by the Information Systems base budget to continue the current automated system and upgrade communications.

Service Center Operations

INS requests 61 positions (42 officers and 19 support), 30 workyears and \$2,567,000 including \$1,376,000 in program funding, to support the Direct Mail program at the Service Centers, to enhance Center adjudications operations/programs, and to improve headquarters oversight over the operations of the Centers.

The program is modeled after the INS model where taxpayers mail their returns directly to the service centers instead of to local offices. The objectives of the program are: (1) to allow INS to expand the impact of the proven economies of scale of service center operations and centralized processing benefits from the actual adjudication of cases to fee receipting and other support activities; and, (2) to expand the types of cases adjudicated at the centers.

Implementation of the Direct Mail Program is divided into three phases. The first involved time sensitive petitions for temporary workers and related applications and petitions. This phase was implemented nationwide by the end of 1986. The second phase involves almost all applications and petitions which do not require an interview. This phase was partially implemented during 1989 and 1990. In 1991 INS plans to complete the second phase of the program.

In 1992 INS plans to begin to implement Phase III of the Direct Mail Program. In this phase, cases requiring interviews will be filed with the Centers instead of local offices so that the proven efficiencies of Service Center processing can be brought to bear on those parts of the process that do not involve the actual interview. The shift of additional workload necessitates an increase of 42 officer and 19 support positions. This increase in resources, combined with the planned growth in automated support system capacity discussed in the Data and Communications section, will allow INS to increase production that will come from both the implementation of Phase III of the Direct Mail program, the continuing annual increases in normal receipt levels, and the increases in workload that will continue to materialize as a fallout from Legalization.

Family Fairness Program

INS requests 36 positions (23 officer and 13 support), 36 workyears and \$1,430,000 to support the Family Fairness applications workload.

In 1990 INS established the Family Fairness Program to adjudicate applications for status filed by aliens who are ineligible for legalization, but who have a close family relationship to an alien granted status under the Legalization Program. The potential number of applicants under this new program was calculated based on information gathered from the Legalization database of relatives of Legalization applicants in the United States, and based on 1990 filing levels. Based on this data, 250,000 applications under the Family Fairness Program are anticipated in 1992.

INS began accepting and processing applications under the Family Fairness Program in mid-1990 using existing resources that had been assigned to ongoing Adjudications operations at the Service Centers. This reduction of resources has significantly lowered Service Center production. Adding the requested resources to pre-Family Fairness levels will end the adverse effects of this temporary re-direction of resources.

The RAM Program

INS requests \$800,000 in program funding for costs associated with the data entry required to maintain the database of eligible applicants for the RAM program in a manner that will satisfy the requirements placed on the system should statutory mechanisms be activated by a shortage of agricultural workers.

In 1990 a registration of potential RAM applicants was completed to establish a database to be used in case the Departments of Labor and Agriculture, pursuant to statutorily delineated mechanisms, determine that there is a shortage of agricultural workers in the United States and that RAM workers should be admitted. This registry provides the source pool should a shortage be declared. The requested funds will administer an automated database of these registrations for use if the program is activated.

This enhancement will provide \$800,000 in program funding to administer an automated database of RAM registrants.

Quality Assurance

To ensure the quality of adjudicative services being provided, both in terms of courteous, efficient public service and proper enforcement of the Immigration and Nationality Act, the INS has begun a pilot program in which interviews of couples suspected of being involved in sham marriages are video taped. Interviews are routinely taped and randomly reviewed by senior or supervisory personnel. This serves as an overall quality review of the interview process while the tape itself may be used as evidence in case of adverse action on an application. An additional \$235,000 for video cameras and VCR's is requested to expand the field office quality assurance program.

	1991 Appropriation				1992 Base				1992 Estimate				Increase/Decrease			
	Anticipated				Perm.				Perm.				Perm.			
	Pos.	NY	Amount		Pos.	NY	Amount		Pos.	NY	Amount		Pos.	NY	Amount	
Refugees and Overseas.....	310	282	\$24,676		310	373	\$29,915		310	373	\$29,915		...	...	...	...

Long-Range Goal: To approve qualified applicants for refugee status and for admission into the United States, adjudicate petitions and applications for benefits under the Immigration and Nationality Act; and verify claims on applications and petitions by conducting immigration investigations. Coordinate and implement overseas enforcement initiatives directed against illegal immigration, fraud and related activities. Establish beneficial liaison with host governments, United States agencies and others to ensure mission related information sharing.

Major Objectives:

Coordinate with United States missions abroad and represent United States immigration policy interests and concerns to host governments, international organizations, and private voluntary agencies.

Receive and adjudicate applications for persons requesting entry into the United States as refugees in accordance with the INA and yearly consultations between the President and Congress.

Adjudicate applications and petitions for benefits applied for under the INA from individuals seeking admission into the United States as immigrants.

Maintain established pre-clearance sites in overseas locations throughout the world.

Provide planning, coordination, review, and evaluation of the Service's asylum program. Promptly and consistently adjudicate asylum claims from aliens not in exclusion or deportation proceedings.

Establish relationships conducive to the collection and dissemination of information of importance to the United States.

Base Program Description: The function of this program is to adjudicate refugee applications, process parolees, conduct investigations for preference and relative visa petitions, and conduct other records checks and background investigations as required at overseas Service offices. Officers assigned to this program provide assistance to citizens and lawful permanent residents abroad regarding adoptions, immigration or parole of alien spouses and children, and other benefits under the INA. They review requests for the Attorney General's authority to grant humanitarian parole into the U.S. for deserving individuals, and coordinate with the Coast Guard the asylum screening process of the Alien Migrant Interdiction Program. In 1991, the Department of Justice Appropriations Act transferred funding for the Refugees and Overseas program from INS's Basic appropriation to the Immigration Examination Fee account.

The Refugee Act of 1980 created a statutory basis for asylum in the United States and made withholding of deportation of

those who qualify mandatory rather than discretionary. While Congress, in passing the Act, established a statutory definition of "refugee", it did not legislate a specific method by which claims for asylum or withholding of deportation were to be adjudicated. Rather, the Congress directed that the Attorney General establish the necessary procedures for such adjudication. Interim regulations were published in June 1980 and remained in effect until superseded by new asylum regulations. The new regulations were signed by Attorney General Thornburgh, and published as a final rule in the Federal Register of July 27, 1990. They took effect on October 1, 1990.

With the implementation of the new system on October 1, 1990, conduct of the asylum interview process is limited to only highly trained persons fully knowledgeable of all aspects of the new regulations. These officers, the Asylum Officers Corps, are centrally managed from the INS Headquarters and are located at seven sites throughout the country. These officers travel throughout the nation performing asylum interviews. Support activities at the seven sites and Headquarters are provided by clerical personnel who perform data input, mail, file, and correspondence work. A quality control function is performed by supervisory personnel located on site and by Asylum Officers at Headquarters.

Accomplishments and Workload :

Item	1989	1990	Estimates	
			1991	1992
Refugees Applying for Entry (1).....				
Pending/Backlog (2).....	27,441	39,524	120,369	50,169
Received.....	190,597	135,251	180,000	180,000
Completed.....	132,689	154,406	150,000	150,000
Adjudications Completed.....				
Pending/Backlog (2).....	1,982	6,080	6,000	6,000
Received.....	24,043	27,363	28,000	28,000
Completed.....	23,985	26,567	27,000	27,000
Investigations (Individual cases).....				
Pending/Backlog.....	2,803	3,053	3,303	3,403
Received.....	5,500	5,500	5,500	5,600
Completed.....	5,250	5,250	5,500	5,500
Smuggling Prevention Actions (3).....	200	200	270	270
Diplomatic Liaison.....				
Completed.....	1,000	1,000	1,450	1,300
Public Service Completed.....	6,000	6,000	6,400	6,200
Parole Completions.....	2,680	4,277	5,436	5,436

Item	Estimates		
	1989	1990	1991
Asylum Adjudications.....			
Pending/Backlog (2) and (3).....	71,993	97,288	107,288
Received	101,679	73,637	65,000
Completed	102,795 (4)	48,342	55,000
(1) Includes applications processed in Moscow.			100,000 (6)
(2) These are uncompleted cases at year-end which are added to next years receipts.			
(3) Excludes Mariel Cuban cases which are being adjudicated under the Cuban Adjustment Act.			
(4) Includes 64,000 cases withdrawn or closed for lack of prosecution, mainly Central American cases on which initial processing and follow-up efforts were expended.			
(5) Includes 90,000 applications, previously denied, which must be readjudicated as a result of the final decision in the American Baptist Churches (ABC) v. Thornburgh case which challenged INS's adjudication of applications filed by citizens of El Salvador and Guatemala.			
(6) Includes 45,000 cases which were ABC applicants.			

Major Accomplishments:

Refugee training and asylum adjudication training have been significantly enhanced with over 300 INS staff members attending the courses organized during calendar year 1989. A revised training syllabus was produced and distributed to all participants. Consistent with the asylum regulations creating an Asylum Officer Corps, 115 Designated Asylum Officers were trained in September and began their new assignments on October 1, 1990. Fourteen Supervisory Asylum Officers received one week of management training and entered on duty January 1991 and another 83 Asylum Officers will begin training in February 1991.

The U.S. refugee program processed approximately 50,000 Soviets for refugee status in the United States, while establishing a new Moscow-only processing operation for Soviet refugee applicants. Approximately 36,000 Soviet refugees traveled through the traditional Vienna-Rome Pipeline prior to its phase-out in the summer of 1990; the remainder traveled to the United States directly from Moscow. Moscow operations are staffed by six interviewing officers, supervised by an Officer in Charge. During FY 1990, more than 4,000 Soviets were interviewed for refugee status.

A Refugee Information Resource Center, charged with the responsibility to maintain up-to-date information on country conditions worldwide, will be established. Specialized training will be designed and provided on an on-going basis for asylum adjudicating officers regarding country conditions, international law, interviewing techniques and other pertinent issues.

Personnel will be assigned to the seven asylum sites including Newark, Washington D.C., Miami, Houston, Chicago, Los Angeles, San Francisco, as well as Headquarters and the Refugee Information Center.

Activity: Immigration Support

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Anticipated											
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Data and Communications.....	47	47	\$31,900	47	47	\$29,801	62	82	\$31,744	15	35	\$1,943
Information and Records Management.....	40	97	4,936	40	97	5,138	216	185	9,866	176	88	4,728
Intelligence.....	8	8	338	8	8	352	8	8	352	...	...	...
Legal Proceedings.....	38	38	2,379	38	38	2,477	38	38	2,477	...	...	...
Total.....	133	190	39,553	133	190	37,768	324	313	44,439	191	123	6,671

This activity includes the resources for communications, records management, automated data processing, legal proceedings and the alien documentation program. In addition, it provides a capacity to examine and analyze documents to assist in the identification, investigation and prosecution of major conspiracies which provide fraudulent documents to smuggled aliens.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Anticipated											
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Data and Communications.....	47	47	\$31,900	47	47	\$29,801	62	82	\$31,744	15	35	\$1,943

Long-Range Goal: To establish and maintain automated and electronic technical support to increase the efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's informational needs; produce and issue alien identification documents (ID) and provide an automated ID verification

system; and promote the sharing of information with other Federal agencies to reduce the paperwork burden, to both the public and INS.

Major Objectives:

Ensure the cost effectiveness of new information systems through the use of contemporary techniques for quantifying and justifying automated data processing (ADP) systems and data bases as related to the Examinations Fee Account.

Improve the quality, reliability, interconnection, maintenance, and upgrade the accessibility of existing database systems.

Improve the efficiency and effectiveness of voice and data communications for the Adjudications and Naturalization programs.

Base Program Description: The function of this program is to provide direct support to the Service's operational organizations as well as administrative support functions in the areas of ADP and communication systems. This includes: (1) improving the effectiveness and efficiency of Service functions through the use of computer resources in information processing; (2) providing for the operation of data and communications networks; (3) maintaining the cost effective production and issuance of secure alien identification cards; and (4) providing telephone call handling.

Accomplishments: In 1990 the Data and Communications Systems program provided technical and communications support for adjudications systems enhancements as well as operations and maintenance support for the Fee Application Receipt Entry System (FARS) and the Student/Schools (STSC) System. In 1991 in conjunction with the transfer of additional resources and responsibility to the account, technical and communications support will be provided for all Adjudications and Naturalization program systems activities. Operations and maintenance support will be provided for the Naturalization Casework, Marriage Fraud, FARS, STSC, and Employer Authorization Document (EAD) systems. Immigration card production at the Immigration Card Facility, production of employment authorization documents, support for the Special Agricultural Worker program, and support for the Direct Mail program continue within funded levels.

Program Changes:

	<u>1992 Base</u>		<u>1992 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Pos.</u>	<u>MY Amount</u>	<u>Pos.</u>	<u>MY Amount</u>	<u>Pos.</u>	<u>MY Amount</u>
Data and Communications.....	47	47 \$29,801	62	82 \$31,744	15	35 \$1,943

The Data and Communications Program is requesting 15 positions, 35 workyears and \$1,943,000 to improve the support provided to programs funded by the Immigration Examination Fee account. These enhancements include: 15 permanent positions and 20 temporary employees to support the regional processing centers and regional service centers after the consolidation of these facilities is complete, and provide quality control for the production of the balance of the IRCA legal permanent resident cards required in 1992; additional funding to cover ADP-related cost increases due to increased use of systems and technology; and expansion and refinement of the automation at the service centers.

Immigration Card Facility

A total of 15 computer systems analysts, 15 workyears and \$726,000 is requested to support the Regional Processing Centers and the Regional Service Centers after the combination of those offices is completed. The positions will be involved in maintaining and operating existing hardware, local area networks and software systems currently in place in these facilities. They will also be involved in implementing direct mail systems initiatives. In addition, 20 workyears and \$425,000 are requested for quality control clerks to support the completion of IRCA card production scheduled for 1992 for the immigration amnesty and Special Agricultural Worker programs.

Operation and Maintenance

Each year, the Service experiences significant expansion in the use of existing automated systems and, while the increasing use of technology has benefited the Service as a whole, it results in higher annual costs to keep systems and equipment operating and providing user access.

INS requests an increase of \$792,000 to provide funding to cover costs experienced due not only to contractual requirements, but to increased utilization of systems and technology. The requests include: an increase to cover costs of increased utilization of INSINC communication lines; an anticipated cost increase in the Justice Data Center costs, and an increase in card production costs for the Immigration Card Facility.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY
Information and Records Management.....	40	97	\$4,936	40	97	\$5,136	216	185	\$9,866	176	\$8,928

Long-Range Goals: To provide information in a timely and professional manner to the public and government agencies on immigration procedures, policies, plans, activities, status, benefits and eligibility, including the Immigration Reform and Control Act's (IRCA) provisions and initiatives. Administer Servicewide Information Services and Records Programs designed to provide support to INS's operating components and other United States law enforcement agencies, as well as, State and local governments seeking the status of aliens under the provisions of the Immigration and Nationality Act. Ensure the reliability of automated and manual data generated by INS information systems; ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform correspondence throughout INS.

Major Objectives:

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions related to the Examinations Fee Account.

Respond to 85 percent of all telephone inquiries from the public within three minutes, all in-person inquiries received from the public within 15 minutes, and all written inquiries received from the public within 20 days at the Regional Service Centers.

Respond to information and status requests from the public, INS operating components, State and local governments, law enforcement agencies, and other Federal government agencies relating to the Adjudications and Naturalization programs.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, processing and retrieval.

Improve the control, accountability and availability of INS records through increased training, and technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems and resources and ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Accomplishments and Workload: Accomplishments of the Information and Records Management Program are presented in the following table:

<u>Item</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>Estimates</u> <u>1992</u>
<u>Information Services:</u>				
On-Hand/Receipts - Correspondence.....	13,859	14,137	16,500	16,500
Completions - Correspondence.....	13,964	13,976	15,000	15,000
<u>Inquiries:</u>				
Ask Immigration (AI) Telephone System.....	157,007	190,835	225,000	225,000
Immigration Telephone System (Other).....	29,509	19,601	15,000	15,000
INS "800" Telephone System	36,188	27,517	30,000	30,000
<u>In person inquiries:</u>				
Application Processing - Accepted *.....	...	44,768	45,000	45,000
Application Processing - Not Accepted.....	120,516	139,709	150,000	150,000
<u>Record Completions:</u>				
Files created.....	29,086	29,263	30,000	27,000
Records verification.....	22,409	24,487	25,500	27,000
Files transferred and requested from Others/FRC's.....	69,401	63,265	63,000	63,000
Files Connection.....	119,799	124,227	123,000	123,000
Refiles.....	146,539	126,659	129,000	129,000
Mail Processing.....	354,481	345,227	360,000	360,000
<u>FOIA/PA:</u>				
On Hand/Receipts - FOIA/PA.....	967	1,781	2,100	2,100
Completions - FOIA/PA.....	914	1,438	1,500	1,500

* Inquiries -- Starting in 1990, in person inquiries include two line items for applications accepted and not accepted. Previously, in person inquiries include only applications reviewed and rejected.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Information and Records Management	40	97 \$5,138	216	185 \$9,866	176	88 \$4,728

The Information and Records Management program is requesting 176 positions, 88 workyears and \$4,728,000 to provide support to the Employment Authorization Document (EAD) project, Direct Mail program, and Family Fairness program.

Employment Authorization Document

The Information and Records Management program requests 98 positions, 49 workyears, and \$2,630,000 to support the anticipated workload for the EAD project. One of the reasons cited by the General Accounting Office in its March 1990 Report, Immigration Reform - Employer Sanctions and the Question of Discrimination, on why employers were hesitant to hire foreign looking or sounding persons, was uncertainty over the authenticity of documents presented by the applicant. The EAD is a more secure, laminated worker authorization card that contains the applicant's photo, fingerprint, and signature. The EAD replaces various less-secure work authorization documents formerly issued on paper. Use of a single, more secure work authorization document provides those who are legally eligible for employment in the U.S. with a document that clearly identifies them as eligible for employment. Also, it provides employers with assurance that they are hiring persons who are legally authorized to work.

Unlike the paper documents formerly validated by INS, providing a more secure work authorization document generates additional workload. An application must be submitted, accompanied by a fee to cover administrative and production costs; the application must be reviewed; the applicant must be photographed and fingerprinted; and the card must be produced. This request will provide 20 Records Technicians to support increased workload at the Service Centers and 78 positions to provide Immigration Information Officers and Cash Clerks to District Offices. These positions will provide information and forms to the public; functions; and handle written and telephonic inquiries.

Direct Mail

An increase of 46 positions, 23 workyears, and \$1,234,000 is requested in program funding to process workload associated

with the Direct Mail program. As the implementation of the final phase of the Direct Mail program (described in the Adjudications and Naturalization section of this budget) is completed in 1992, the Information and Records Management program will require increased staffing at the Service Centers to respond to written and telephonic requests, including FOIA/PA requests, handle application fees and issue receipts, perform mail and filing functions, and, provide data entry support.

Family Fairness Program

An increase of 32 positions, 16 workyears and \$856,000 is requested for the Family Fairness program. These positions are required to provide information, forms, instructions and other in-person assistance to clients requesting information on the Family Fairness program. In addition, they will provide records management support, such as the creation and transfer of A-files, that is expected to increase as a result of the program.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY
Intelligence.....	8	0	\$336	0	0	\$352	0	0	\$352	...	...

Long Range Goal: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency.

Major Objectives:

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components associated with the Adjudications and Naturalization program.

Furnish assistance in the detection of fraudulent identity documents to INS components and international law enforcement agencies.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act and provisions of the Immigration Reform and Control Act (IRCA).

Base Program Description: This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the Immigration and Nationality Act, and assists other Federal agencies in addressing national security issues. The Service's document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, alien smuggling, and false claims to citizenship and other fraudulent claims.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Legal Proceedings.....	18	38	\$2,379	38	38	\$2,477	38	38	\$2,477	...	...	...

Long Range Goal: To provide legal representation for the United States Government in all cases and matters involving asylum rescission, and contested naturalization cases.

Major Objectives:

Provide litigation support in regard to VISA petitions and naturalization cases.

Base Program Description: INS attorneys represent the Service in asylum and naturalization cases.

Accomplishments and Workload: Accomplishments of the Legal Proceedings program are presented in the following table:

Item	1989*		1990		1991		1992	
	Estimates	Estimates	Estimates	Estimates	Estimates	Estimates	Estimates	
Attorney Appearances for:								
Administrative Relief in Asylum Cases.....	...	35,935	35,950	35,950	35,950	35,950	35,950	
Recision Cases.....	...	211	220	220	220	220	220	
Contested Naturalization Cases.....	...	162	170	170	170	170	170	
Legal Briefs Prepared.....	...	2,928	2,950	2,950	2,950	2,950	2,950	
Total Work Units.....	...	39,236	39,230	39,230	39,230	39,230	39,230	

* Workload data for activities strictly related to the Examinations Fee Account was not separated from the total workload of the Legal Proceedings program until 1990.

Activity: Program Direction

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease	
	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY	Amount	Perm.	MY
	Pos.			Pos.			Pos.			Pos.	
Administrative Services.....	22	22	\$702	22	22	\$731	22	22	\$731	...	...

Long Range Goal: To provide the full-range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

Major Objectives:

Provide accounting support services and program direction as related to the Examinations Fee Account.

Provide property management and procurement support and program direction as related to the Examinations Fee Account

Provide overall management direction and control for all management programs and the full range of security, safety and health support activities as related to the Examinations Fee Account.

Base Program Description: The function of this program is to provide for the development, implementation, direction, evaluation and operation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. The major functions within this program include: personnel, accounting, equal employment opportunity, procurement; property management; fleet management; security and health, and other miscellaneous general services that benefit all programs within INS.

Accomplishments: During 1990 the support requirements related to the INS Service Centers were a priority. Considerable effort went into arranging for a smooth transition for Combined Service Center/Regional Processing Facility operations. Staffing and personnel management activities were also given additional emphasis during the year.

Immigration and Naturalization Service
Immigration Examination Fee
Financial Analysis - Program Charges
 (Dollars in thousands)

Item	Adj. & Mkt		Data & Com		Info & Records		Total	
	Pos.	Revent	Pos.	Revent	Pos.	Revent	Pos.	Revent
<u>Grades</u>								
GS-11.....	221	46,870	..	...	...	...	221	46,870
GS-9.....	...	...	15	6365	...	...	15	6365
GS-7.....	...	...	...	...	96	12,016	96	12,016
GS-6.....	...	...	...	...	80	1,312	80	1,312
GS-5.....	136	2,356	...	...	...	...	136	2,356
Total positions and annual rate.....	357	5,176	15	305	176	3,328	548	13,699
Other than personnel.....	(161)	(4,119)	...	...	(86)	(1,764)	(247)	(5,883)
Other personnel compensation.....	23	1,162	20	303	...	...	20	303
							23	1,162
Total workyears and personnel compensation.....	219	6,239	35	648	88	1,764	342	8,651
Personnel benefits.....	...	1,636	...	252	...	635	...	2,523
Travel and transportation of persons.....	...	...	...	6	...	63	...	69
GSB rent.....	...	...	...	...	...	446	...	446
Revol. Payments to others.....	...	...	...	20	...	176	...	176
Other services.....	...	2,064	...	844	...	456	...	3,364
Supplies and materials.....	...	...	...	17	...	145	...	162
Equipment.....	...	235	...	116	...	1,021	...	1,274
Total program workyears and obligations changes requested, 1992.....	219	10,194	35	1,343	88	4,328	342	16,865

Immigration and Naturalization Service

Immigration Examinations Fee

Detail of Permanent Positions by Category

Fiscal Years 1990-1992

Category	1990 Authorized	1991 Estimate	1992				Total
			BSA Decreases	EOB	Spec Ctr/ Spec Mail	Family Fairness	
Attorneys (950).....	32	32	...	...	...	...	32
Contact Representative (982).....	23	23	...	...	...	...	23
Immigration Examiners (1816).....	1,074	1,164	(5)	156	42	23	1,304
General Administrative and Clerical (300-399).....	823	1,052	...	202	80	43	1,379
Accounting and Budget (500-599).....	2	2	...	...	...	...	2
Total.....	1,926	2,279	(5)	358	122	64	2,822
Washington.....	61	109	...	9	11	...	183
U.S. Field.....	1,866	2,056	(5)	353	111	64	2,623
Overseas.....	9	74	...	...	...	...	74
Total.....	1,926	2,279	(5)	358	122	64	2,822

Immigration and Naturalization Service

Immigration Examinations Fee

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Object Class	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time personnel.....	1,374	943,744	1,392	961,449	2,377	972,650	385	811,401
11.2 Other than full-time personnel.....	345	7,099	464	9,183	238	4,732	(126)	(14,453)
11.3 Other personnel compensation.....	251	3,814	312	5,104	898	3,963	(44)	(1,141)
11.8 Special personnel services payments.....	...	47	...	57	...	59	...	2
Total, workyears and personnel compensation...	2,170	947,706	2,168	975,795	2,495	81,604	127	5,809
12 Personal benefits.....	11,403	11,403	14,705	14,705	22,010	22,010	3,305	3,305
13 Benefits for former personnel.....	15	15	17	17	18	18	1	1
21 Travel and transportation of personnel.....	3,331	3,331	4,034	4,034	5,113	5,113	1,079	1,079
22 Transportation of things.....	580	580	742	742	901	901	121	121
23.1 GSA rent.....	4,227	4,227	5,168	5,168	10,534	10,534	5,366	5,366
23.2 Rental payments to others.....	177	177	215	215	253	253	38	38
23.3 Comm., utilities and misc. charges.....	3,475	3,475	5,165	5,165	5,526	5,526	361	361
24 Printing and reproduction.....	2,423	2,423	2,637	2,637	2,779	2,779	156	156
25 Other services.....	34,235	34,235	58,105	58,105	66,762	66,762	2,677	2,677
26 Supplies and materials.....	1,963	1,963	2,424	2,424	2,652	2,652	229	229
31 Equipment.....	6,124	6,124	2,501	2,501	3,542	3,542	1,041	1,041
42 Insurance claims and indemnities.....	5	5	7	7	7	7	...	...
44 Refunds.....	82	82	89	89	89	89	...	...
Total obligations.....	123,859	123,859	181,318	181,318	196,916	196,916	15,598	15,598
Unobligated balance, start-of year.....	...	...	...	...	...	...	...	...
Unobligated balance, end-of year.....	...	...	...	...	...	...	...	...
Total requirements.....	123,859	123,859	181,318	181,318	196,916	196,916	...	...
Reconciliation of obligations to outlays:								
Total obligations.....	123,859	123,859	181,318	181,318	196,916	196,916	...	...
Obligated balance, start-of year.....	342	342	1,466	1,466	19,318	19,318	...	...
Obligated balance, end-of year.....	(1,466)	(1,466)	(19,318)	(19,318)	(36,224)	(36,224)	...	...
Outlays.....	122,140	122,140	183,466	183,466	180,010	180,010	...	...

Mr. EARLY, We are pleased to welcome the Commissioner of INS, Mr. Gene McNary. Mr. McNary, we will place your biography and written testimony into the record, and ask that you proceed with your statement.

OPENING STATEMENT

Mr. McNARY. Thank you, Congressman.

I am pleased to have the opportunity to appear before you in support of the 1992 budget request for the Immigration and Naturalization Service, INS. For our basic appropriation, the INS is requesting, for 1992, a total of 12,954 positions, 12,492 work-years and \$1,008,026,000. This represents a net increase of 733 positions, 492 work-years and \$121,389,000 over our 1991 appropriation of 12,221 positions, 12,000 work-years and \$886,637,000. We have provided you with a handout that summarizes our 1992 request and highlights the eight program areas in which we are seeking budget increases.

When funds from the reimbursable Organized Crime Drug Enforcement budget, and the non-appropriated Legalization Fee, Immigration User Fee, Immigration Examinations Fee, and the newly-enacted Land Border Inspections Fee (pilot) accounts are taken into consideration, total resources available to INS in 1992 will be just over \$1.4 billion. These combined resources will address the Service's critical needs in the areas of law enforcement, service to the public, and support infrastructure.

I have a formal statement on our 1992 budget request that I will submit for the record.

STATE OF HEALTH OF IMMIGRATION AND NATURALIZATION SERVICE

Before I respond to your questions regarding this appropriations request, I would like to take this opportunity to report to you on the current "state of health" of the INS. While the agency was beset with a multitude of problems that received ample coverage in reports by the GAO, the Department's Inspector General, the print media and others, I can report to you that the INS is on the road to a full and complete recovery.

Although our many outside observers agree on the overall nature of the problems facing the Service, they have not arrived at consistent recommendations about the appropriate corrective measures to cure the problems.

While I won't go into all of the differences between the various groups, I can tell you that none of these registered watchdogs bear the responsibility for managing the results of their recommendations. That responsibility is mine to bear, and I believe my background in public sector management will enable me to implement the best corrective measures to address INS' problems.

RECENT IMPROVEMENTS

The problems that had beset INS were of sufficient magnitude that I didn't feel I had the luxury of waiting for the various outside groups to complete their many studies. I began making changes and needed improvements from the very beginning of my tenure as

Commissioner. Let me share a few of our more significant improvements with you.

Before I entered the INS, the agency had endured two consecutive fiscal years of dubious financial practices, ending in the black only with last-minute heroics. One of my first actions was to centralize control of both funds and positions so that I could control spending from headquarters. I instituted a quarterly review system that enabled me to manage resources in accord with Service priorities.

The Service finished fiscal year 1990 clearly in the black, and it did so in a way that stabilized many essential support operations. For the first time in many years, the Service was able to direct essential resources to improve its data processing and automated systems development.

The Service had long been charged with inconsistency between districts and regions in its adjudication of cases. I approved the centralization of the petitions that do not require interviews in our four Regional Service Centers.

The number of petitions adjudicated rose from 2.6 million in 1989 to over 3 million in 1990, resulting in significant reductions in backlogs, while at the same time we were improving the consistency of our procedures.

When I entered the Service, our Detention and Deportation Program lacked adequate planning and coordination, both within the Service and among the Bureau of Prisons and the U.S. Marshals Service. Appropriate detention capacity is essential to a successful law enforcement program.

Today, as reflected in the budget request before you, we are working from a five-year detention plan developed within the Department between INS, the Bureau of Prisons, and the U.S. Marshals Service and approved by the Attorney General.

COMPREHENSIVE LONG RANGE PLAN

While my early efforts as Commissioner centered around improving accountability within the agency, I have not ignored the need for a comprehensive, long-range strategic plan to organize INS' planning and to establish priorities. The progress we have made is reflected in the success we have had in planning for the implementation of the Immigration Act of 1990.

Regulations are being prepared and issued in a timely fashion. Our handling of Temporary Protected Status for El Salvadorans, which was the first major provision of the Act to take effect, has been well received by the community.

In conclusion, I would like to thank this Committee for the role it has played in being sensitive and responsive to our funding needs. We are in a better position to respond to the enormous challenges that this agency faces, in large part because of this Committee's pioneering implementation of user fees to support the adjudication process, inspections at airports and seaports, and, most recently, the pilot land border fee.

Thank you for this opportunity to explain my view of the current state of INS' health. I would be pleased to answer any questions that you may have.

[Mr. McNary's written statement follows:]

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

STATEMENT OF THE COMMISSIONER
GENE McNARY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1992 budget request for the Immigration and Naturalization Service (INS). For our basic appropriation, the INS is requesting, for 1992, a total of 12,954 positions, 12,492 workyears and \$1,008,026,000. This represents a net increase of 733 positions, 492 workyears and \$121,389,000 over our 1991 appropriation of 12,221 positions, 12,000 workyears and \$886,637,000. These increases will address the severely needed law enforcement and infrastructure requirements of the Service.

When funds from the reimbursable Organized Crime Drug Enforcement (OCDE) budget, and the non-appropriated Legalization Fee, Immigration User Fee, Immigration Examinations Fee, and the newly enacted Land Border Inspection Fee accounts are taken into consideration, total resources available to INS in 1992 will be just over \$1.4 billion. At this time I would like to summarize the program increases contained in the budget for our basic

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appropriation. I will then briefly summarize the status of our fee account budgets.

For the Inspections program, our budget request includes 135 additional Immigration Inspector positions, 67 workyears and \$5,973,000 to keep pace with workload increases in land border traffic. Since 1984 the land border inspections workload has increased by more than 34 percent, while staffing at these land border ports has increased only four percent. At virtually every major land port of entry along our Northern and Southern borders, the control of daily traffic has become a time consuming and exhausting experience. During 1990, fewer than 1,500 Immigration Inspectors were responsible for inspecting more than 400 million persons who crossed through our land border ports. The additional resources we are requesting will improve the situation and reduce some inspectional delays.

The Investigations Program is requesting a total of 194 positions, 97 workyears and \$9,522,000 in two areas. The first area includes an increase of 44 positions, 22 workyears and \$2,294,000 to establish and operate a National Enforcement Operations Center. The Center will be staffed by specially-

trained communications operators, special agents with substantial field experience, and other officer corps members to provide a balance of expertise in all operational program areas. At present INS is unable to respond adequately to inquiries from other law enforcement agencies encountering aliens involved in criminal conduct. Congressional concern about this aspect of the criminal alien problem resulted in provisions in the Anti-Drug Abuse Acts of 1986 and 1988 and the Immigration Act of 1990 directing the Service to improve its ability to respond to other Federal, state and local law enforcement agencies' inquiries on a 24-hour basis. Progress has been made in meeting these provisions, but additional resources are required to enable the Service to handle all inquiries. The National Enforcement Operations Center will, for the first time, provide a centralized, coordinated response capability to handle inquiries concerning criminal aliens from our own agents and law enforcement officers from other criminal justice agencies.

The request for 150 investigator positions, 75 workyears, and \$7,228,000 will be used to replace Border Patrol agents who are being shifted from interior locations to the Southern border. The request attempts to address problems cited in the recent GAO report regarding overlapping enforcement structures within INS.

This request is the first phase of a two-year project to realign Border Patrol resources along traditional mission related lines. Border Patrol officers at the interior offices spend most of their time on investigations work, such as employer sanctions casework. The transfer of these officers will improve security of the Nation's borders and limit the influx of drugs and associated violent crime. This realignment represents a significant change for INS and will serve as a model for non-border enforcement operations nationwide. The phased departure of the Border Patrol from interior offices requires replacement support beyond the capacity of existing Investigations resources. The requested resources will provide a continuation of enforcement and employer sanctions coverage in these areas.

The Anti-Smuggling program is requesting six positions, three workyears, and \$208,000 to support the Assets Forfeiture program in INS. The staff increase will further strengthen our ability to manage the Service's assets seizure and forfeiture activities. This expansion addresses material weaknesses identified by the Attorney General in his internal control report to the President by enhancing the overall management of the Assets Forfeiture Program, and providing additional coordination and assistance to the U.S. Attorneys in the area of judicial

forfeiture.

The Detention and Deportation program requests 328 positions, 164 workyears and \$36,312,000 to augment the Service's ability to identify, locate, apprehend, and remove criminal aliens. The GAO report cited staffing shortages at existing detention facilities and the critical need for additional resources to make efficient use of the currently available bed space. The resources requested are based upon the Department of Justice's long-term detention plan which was developed by INS, the Bureau of Prisons (BOP), and the U.S. Marshals Service to determine the Department's total detention requirements. The request is divided into three parts which include: \$9,178,000 in additional alien travel, detention and welfare (ATD&W) funds; 278 positions, 139 workyears and \$11,099,000 for staffing of INS Service Processing Centers (SPC's); and 50 positions, 25 workyears and \$16,035,000 for staffing and operation of a joint 1,000-bed INS/BOP contract facility for criminal aliens near San Diego (500 beds for INS and 500 beds for BOP).

The \$9,178,000 in Alien Travel Detention and Welfare funding will allow for care of detainees including food, travel and deportation expenses. Additional funds are essential to maintain

a correct balance between the apprehension and the detention and deportation steps of the enforcement process. A 1989 GAO study reported that the majority of aliens who are released from custody on bond and recognizance are not expelled because they subsequently abscond and, therefore, remain in this country. Apprehending an illegal alien who is likely to abscond and then releasing that alien because of inadequate detention resources is a futile exercise that saps the morale of our staff and undermines public confidence in our abilities.

The 278 positions, 139 workyears, and \$11,099,000 for staffing at the Service Processing Centers are needed to enhance the operation of these facilities. Within each SPC, key post positions must be covered on an around-the-clock basis to provide adequate detention capability. With the increase in positions, INS will be able to reduce the excessive amount of overtime now required to run our SPC's, improve the morale and well-being of the staff, and most importantly, improve the safety of the facilities by reducing the likelihood of violent incidents.

The 50 positions, 25 workyears and \$16,035,000 for staffing and operation of a joint 1,000-bed INS BOP contract facility will strengthen INS's efforts to concentrate criminal aliens in one

place in order to expedite their removal. Contracting for detention space has proven to be more efficient than pursuing the Federal government's time-consuming competitive bid process for new construction. Contract detention has proven to be a cost effective means of staffing. The additional positions requested will be used to support essential functions which cannot be performed by contract personnel. These duties include transportation of aliens to and from the facilities for overnight detention, transportation for deportation and local voluntary departures, and transportation to various court hearings. Deportation officer positions are needed at the facilities to maintain deportation dockets, and other positions are required to perform administrative duties.

An increase of five positions, three workyears, and \$5,044,000 is requested for the Data and Communications program to provide automated support to three systems.

The request for the first system includes five positions, three workyears and \$3,177,000 for implementation of the Computer Assisted Dispatch and Reporting Enhancement (CADRE) system. CADRE will allow INS to make better use of the sensors buried along the border. The current system is a personal computer

based system that has proven inadequate due to user requirements and workload which exceed the software and hardware capabilities. The CADRE system will remedy this situation and provide the Border Patrol with the capability to analyze intrusion detection sensor input and assist with radio dispatch operations.

The request for the second system includes \$450,000 to provide upgrades to the software of the Deportable Alien Control System (DACS). This system has automated many of the clerical functions in support of the arrest, detention, and deportation of illegal aliens. These upgrades will improve system response time, provide improved management reports, and adapt the system to accept fingerprint codes.

The resources for the third system will allow INS to support one of the Administration's "Management Priorities for the 1992 Budget". Additional funding of \$1,417,000 is requested to continue development of the Department's Financial Management Information System (FMIS). Under directives from the Office of Management and Budget, each Department is required to develop a comprehensive integrated financial management system. These funds will support the Department's efforts toward improved financial management.

The Construction and Engineering program requests \$7,097,000 to provide facilities for the Border Patrol and Detention and Deportation programs. The Detention and Deportation portion of this request is for \$3,497,000 for the El Centro, California Service Processing Center to construct a recreation facility and renovate and expand the medical clinic and dining hall. The Border Patrol portion of this request includes \$2,400,000 to construct a new station at Brownfield, California, and \$1,200,000 to complete construction of the Border Patrol station in Laredo, Texas. The present Laredo station was designed to accommodate 50 agents. At present there are 128 agents on duty there.

An increase of 60 positions, 30 workyears and \$2,883,000 is requested for the Legal Proceedings program. The Immigration Act of 1990 authorized substantial increases in the number of Immigration Judges for the Executive Office of Immigration Review (EOIR) to facilitate and expedite deportation of criminal aliens. The increase in INS resources is necessary to augment increases requested for EOIR. Of this increase, \$350,000 will allow expanded access to the computer based JURIS/LEXIS reference systems and will provide additional reference materials for law libraries.

The Administrative Services program requests total program increases of six positions, four workyears and \$1,479,000. Of this amount, five positions, three workyears and \$205,000 are needed to establish the capacity to perform security reviews, an area identified as being of special concern to the Attorney General. The request also includes one position, one workyear and \$524,000 to support the conversion to the Department of Agriculture (USDA) Payroll/Personnel System, another Departmental priority. In addition, an increase of \$750,000 is requested to purchase 32 new vans to support the Detention and Deportation program and will strengthen our capacity to deal with the Service's transportation of criminal aliens.

In summary, for our basic appropriation, the Immigration and Naturalization Service is requesting program increases of 734 positions, 368 workyears and \$68,518,000.

At this time I would like to summarize our four user fee accounts.

Immigration User Fee

In 1992, INS will require 2,245 positions, 2,337 workyears, and \$191,601,000 for the Immigration User Fee. This represents

an increase of 63 positions, 201 workyears and \$22,751,000 over the 1991 levels. The purpose of this account is to provide immigration inspection services at airports and sea ports of entry. The cost of this program is paid entirely from fees collected from individuals arriving in the United States aboard commercial aircraft or vessels from foreign locations. Additional receipts are expected in 1992 as a result of a full-year effect of the removal of the contiguous territories exemption.

In the 1991 Appropriations Act, Congress established a 45-minute processing standard at air and sea ports of entry. To assist in reaching this target, it eliminated the previous fee exemption for travellers to the United States by airplane from Mexico, Canada and adjacent islands. The additional funding arising from elimination of this exemption will be used to achieve compliance with the new 45-minute standard.

With war in the Persian Gulf, there has been an overall decrease in international air travel to the United States, primarily caused by sharp reductions in travel from Europe and the Middle East. Given the reductions in travel, commensurate reductions in fees collected, and corresponding inspections

workload declines, INS is making an equivalent reduction in the operating level for this account in 1991. If there are long-term reductions in international air travel, the 1992 budget for this account will also reflect similar adjustments necessary to meet the 45-minute standard within available resources.

Immigration Examinations Fee

The 1992 estimate for the Examinations Fee Account contains 2,822 positions, 2,607 workyears and \$196,916,000. This represents an increase of 543 positions, 151 workyears and \$15,598,000.

Later this year, we expect to have in place a revised fee schedule which will cover not only the cost of the Adjudications and Naturalization functions, but also those costs associated with providing services to applicants for political asylum and refugee status which were moved under the Examinations Fee Account as a result of Congressional action on the 1991 appropriation. These asylum and refugee services are provided to applicants without charge. The revised schedule will be in effect for all of 1992. Our 1992 budget is based on revised fee estimates under this new fee schedule.

The Examinations Fee Account has become a critical source of resources for INS. In 1991, a number of events have already affected our operations under the account. At this time applications for benefits are not meeting our earlier workload projections. We are adjusting our program operations to conform with the current lower workload.

The Immigration Act of 1990 will have a substantial impact on the Examinations Fee Account. We have a Task Force reviewing our requirements under the law and developing plans for workload changes and resource needs. Many of the provisions will generate more work and require additional personnel. The fees collected from the applicants will provide the necessary funding.

The Temporary Protected Status (TPS) program for El Salvadorans authorized by the Immigration Act of 1990 took effect on January 1, 1991. The program has been implemented nationwide. Registration of El Salvadorans for TPS has been lower than expected and appears to be directly related to their eligibility, in some cases, for political asylum. The nearly simultaneous efforts to implement this program and the settlement of the American Baptist Churches case -- which provided an opportunity for a new asylum hearing and work authorization -- is decreasing

our receipts and workload under the TPS program. All El Salvadorans who are encountered by INS agents in enforcement actions while this program is in effect shall be advised of the benefits of TPS and will be given the opportunity to show their eligibility.

Land Border Inspection Fee - Pilot

The 1992 estimate for this program is 23 workyears and \$1,991,000. The 1991 Appropriations Act includes a provision to establish Land Border Inspection Fee pilot projects under which a fee may be charged and collected for inspection services provided at one or more land border ports of entry. The pilot program is authorized through 1993 and is intended to assess the feasibility of augmenting land border inspections from fee collections. Currently, the Service is studying the establishment of a dedicated commuter lane at the Blaine, Washington / Douglas, British Columbia land border crossing. Participation in this program, while requiring a fee, will be voluntary. One or two lanes will be dedicated to the movement of participating commuters, while all other lanes will be utilized for regular, nonpaying vehicular traffic. If this project proves successful, the establishment of other sites will be considered along other areas of the Northern border and also the Southern border.

Immigration Legalization

The 1992 request of 25 positions, 25 workyears and \$1,682,000 for the Immigration Legalization account includes the resources necessary to receive and process the remaining permanent resident application workload and appeals of denials. The reductions in the 1992 estimates are due to the completion of contractual services, reduced levels of activity in the Legalization Adjustment Processing System, and the phasing down of related program operations as a result of the completion of the permanent resident phase of the Legalization program.

In a recent development that will influence Service operations, the Supreme Court rendered a decision that will necessitate the review of approximately 13,000 applications, previously denied by the Service, under the Special Agriculture Workers provisions of the Immigration Reform and Control Act of 1986. Not only will the Supreme Court decision have an immediate effect on our Examinations Fee account, extension of the Court's findings to other amnesty cases could have a significant impact on our Legalization program. We are currently assessing the potential ramifications of this ruling.

Conclusion

In summary, the combination of our basic appropriation of \$1,008,026,000 and our four user fees; the Immigration User Fee (\$191,601,000), the Examinations User Fee (\$196,916,000), the newly enacted Land Border Inspection Fee (\$1,991,000), and the Immigration Legalization account (\$1,682,000), the Immigration and Naturalization Service is requesting a total of \$1,400,216,000. This level of funding will enable the INS to meet the many challenges facing us in this coming fiscal year.

This concludes my formal statement on behalf of the Immigration and Naturalization Service. I appreciate the opportunity to present the Service's budget request to the Subcommittee. I will be glad to respond to any questions you may have.

MANAGEMENT PROBLEMS IDENTIFIED IN GAO AND INSPECTOR GENERAL
REPORTS

Mr. EARLY. Thank you.

Mr. McNary, we have with us here a stack of GAO audits, Justice Department audits and Inspector General reports which all bring attention to the management problems that continue to plague INS. Now I recognize that the vast majority of these problems occurred prior to your arriving at INS, but I assume you have been asked by the Attorney General to correct them.

I would like to address each of the major problems identified in these numerous reports, then I would ask whether you agree or disagree with each of them and why, and how you plan to correct them.

I am going to stay within my 10 minutes, as far as that goes. So, if I don't conclude them all, I will yield to the other two members.

First, deals with overlapping responsibilities: GAO found that INS has not clearly delineated activities between programs. For example, both the Border Patrol and the Investigations Division perform employer sanctions investigations.

Mr. McNARY. First of all, the GAO Report on Immigration Management made recommendations in five general areas: enforcement, delivery of services, budget and finance controls, organization, and management.

ENFORCEMENT RESOURCES

Let's go to the enforcement, that is the one you raised the question on.

GAO's findings refer to a delineation of responsibilities among enforcement programs, overlap in duplication and enforcement. First of all, the action taken is a policy to concentrate the Border Patrol resources at the border. We can go into that in depth.

Basically, we have submitted a comprehensive plan. Last week, the comprehensive plan went to the Department of Justice, which calls for the Border Patrol to be within 100 miles of the border. You will see in this budget that we have asked for 150 investigators. The 150 investigators will replace 150 Border Patrol agents who will be redeployed to the border, plus 30 Border Patrol agents, for a total of 180 added to the border.

They are going to be on the border. They will be working within 100 miles of the border. The interior will be handled by investigators. That is our solution to this overlapping between Border Patrol and investigations.

Secondly, in the Border Patrol, we have a resource allocation model that we will share with you. It addresses every Border Patrol station.

AUDITING ON PROCESSING DELAYS

Mr. EARLY. What I would like you to do, Mr. McNary, because I am sure Mr. Kolbe will question you extensively on the border areas, is to address some particular findings in the report.

How about the audit on processing delays? GAO found that although expenditures for adjudications have doubled since 1986, the average processing time continued to exceed your own four-month

standard. In addition, the use of temporary employees to relieve delays has been ineffective.

Mr. McNARY. We have done much in this area. The bottom line is that exam fees have been completely revised. You have given us the authority actually to reschedule those fees, increase the fees, which will enable us to staff up.

As I mentioned to you, last year we completed more adjudications than we received. So, we cut into the backlog. That is after the GAO survey.

Mr. EARLY. You say you have cut into the backlog?

Mr. McNARY. Last year, we cut into the backlog. I know we face some new problems now. With the examination fees, once they are put into effect, we should have the revenue stream—I know we will have the revenue stream to handle adjudications on a current basis.

ADJUDICATION PROCESS

Mr. KOLBE. Mr. Chairman, would you yield?

Mr. EARLY. Sure.

Mr. KOLBE. Specifically, what is the length of time to process an adjudication? What was it a year ago?

Mr. McNARY. It depends on the adjudication type. Asylum, for example, we are backed up for other reasons, going into State Department policy.

When it comes to naturalization, we have reduced it to 4.6 months on naturalizations. On adjustments, three months. I think we have cut into those backlogs.

LACK OF OVERSIGHT CONCERNING OVERTIME

Mr. EARLY. Again, Mr. McNary, you yield to anyone you want to for the specifics. On excessive overtime, both GAO and the Justice Department IG found that INS has not been properly controlling overtime. For example, GAO found that nearly one-third of all inspection expenditures at airports and seaports of entry are for overtime.

The IG found numerous instances where employees were paid overtime for duty which was not scheduled in advance as required by regulation, and also identified instances at several locations where more inspectors and supervisors than were required were scheduled for duty on Sunday and holidays.

Mr. McNARY. Congressman, first of all, GAO made a few mistakes on their own, but my response to that is—and I have a visual aid that would indicate—because when I came in, I mandated a 10-percent cut in overtime, and between 1989 and 1990, the basic appropriation was reduced by 11 percent, which equates to dollar savings of \$3 million. The legalization account was reduced, a dollar savings of \$1 million, and immigration user fees reduced \$2.3 million.

The average overtime earnings for our inspectors in 1987 was \$23,000 per inspector. We are projecting \$14,900 this year. We are making progress on the inspections overtime, and if you approve our budget, which calls for 135 land border inspectors, then we

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won't be required to use overtime to handle the workload that we haven't had sufficient personnel to do.
[The information follows:]

Immigration and Naturalization Service

Overtime Reduction

■ In 1990, administrative ceilings were established for selected overtime categories to promote improved management of overtime scheduling and costs.

Account	Decrease in Overtime (from 1989 to 1990)	Dollar Savings
Basic Appropriation	11 Percent Reduction	\$3,087,900
Legalization Account	44 Percent Reduction	\$1,044,800
Immigration User Fee Account	9 Percent Reduction	\$2,330,900

WEAK BUDGET CONTROLS

Mr. EARLY. That suggestion shows a 40-percent reduction if we hold to those numbers. We will come back to that, also.

Now, dealing with your chaotic budget process. GAO found that the INS budget development process has weak controls over expenses and revenue that significantly decrease management's ability to address program weaknesses and resource allocation.

For example, a recent Border Patrol analysis estimated that the San Diego unit was understaffed by 278 agents, while Del Rio, Texas was overstaffed by 173 agents.

Do you agree with that?

Mr. McNARY. The last part you shifted off to Border Patrol, and we have a resource model that addresses the workload and redeployment of Border Patrol agents to meet the workload.

SAN DIEGO AND DEL RIO, TEXAS BORDER PATROL STAFFING

Mr. EARLY. What do you say as far as to that report that suggested that San Diego was understaffed by 278 agents, while Del Rio, Texas was overstaffed by 173 agents.

First, do you agree with it? And comment from there.

Mr. McNARY. I have never heard anyone say San Diego was overstaffed. It says it is understaffed.

Mr. EARLY. I am saying San Diego was understaffed and Del Rio, Texas was overstaffed.

Mr. McNARY. We agree with that, and we have taken action.

Mr. EARLY. What action have you taken?

Mr. McNARY. As a matter of fact, every academy class has been assigned to San Diego. We have increased the San Diego Border Patrol force by 100 agents this year.

We have a plan, as I mentioned, to redeploy 180 Border Patrol agents to the border. Most of those people will go to San Diego. Our model calls for 1,004 agents in San Diego, and we are well on our way to reaching that target.

Mr. EARLY. Have you done anything about the suggested overstaffing at Del Rio, Texas?

Mr. McNARY. Yes, we have. I can submit the model you may want to see, how all of these stations are being reallocated, the strength and redeployment to meet these targets.

Mr. EARLY. Specifically in Del Rio, Texas, have you moved 173 agents, or what have you done?

Mr. McNARY. We are roughly the same. We are not transferring anyone there. But to this point, we have effected these changes through attrition.

Mr. EARLY. Do you agree Del Rio is overstaffed?

Mr. McNARY. Not based on GAO findings. You know, I would defer to my own Border Patrol people, and to the model that we have followed in redeploying people. I agree with the general principle that GAO sets forth. But as to their guess as to how many specific bodies ought to be in any particular work station, I don't think they have the expertise to tell us that.

Mr. EARLY. But the committee has got to know what are the correct numbers so we can decide what to do, as far as what to fund, and what not to fund.

I have three other studies I would like to address, but I am going to yield to Mr. Rogers.

Mr. ROGERS. I will be happy for you to continue.

RECONCILIATION WITH THE TREASURY DEPARTMENT

Mr. EARLY. Fine.

Concerning poor financial information, GAO found that because of poor financial information, INS cannot determine how much has been spent by its units. For example, INS has been unable to reconcile over \$94 million in unexpended fund balances with the Treasury Department.

First of all, do you agree with that, Commissioner?

Mr. McNARY. Congressman, that is a specific question, and I would like for Mr. Perrelli to answer the question.

Mr. PERRELLI. Mr. Chairman, there are a series of seven audit teams who have studied INS over the last few years. They basically—the chart that you see, is the yellow, shows that they have basically come up with four—the same four findings.

[The information follows:]

Immigration and Naturalization Service

Financial Management Weaknesses

Financial Management Weaknesses Identified by Audits

	Primary Period Under Review	Unreliable Financial Information	Weak Internal Controls Over Resources	Inadequate Supervision of the Fee Account	Inadequate Debt Collection Processes
General Accounting Office Audit	1984-1987	X	X		X
	INS Delivery Bonds				
	Department of Justice Audits:				
	Immigration User Fees	X	X	X	
	Special Audit of INS	X	X	X	X
General Accounting Office Reviews:	Obligation and Payment Modules in FACS	X	X		
	Fiscal Year 1989 INS Financial Closeout	X	X		
	INS Financial Management	X	X	X	X
	Immigration Management	X	X	X	

Mr. EARLY. You are going to have to read them to us.

Mr. PERRELLI. The findings were unreliable financial information, weak internal controls over resources, inadequate supervision over the fee accounts, and inadequate or absent debt collection programs.

In response to those concerns, the Commissioner has forwarded a proposal to the Department to establish an Associate Commissioner for Financial Management.

In January of this year, we forwarded to the Department for consideration a reprogramming request to add 52 people nationwide to address some of these problems.

In the name of improving the financial integrity—integrity of financial information, the Service in 1990 began a project to migrate to the Department of Justice FMIS system. And we have issued instructions to the field, beginning in 1990 and 1991, to begin completing their reconciliations on a monthly basis; and have, as of January 1991, begun reallocating accounting work basically from the Western Region and central office to the Eastern and Northern regions in order to more effectively process the huge backlogs in the accounting area.

In order to establish more financial controls in terms of stronger management over resources, 1990 was the year of reestablishing the discipline with the regions to ensure they did not, on a willy-nilly basis, just overrun the allocations.

The emphasis in 1991 is to actually work with the data and make sure it gets into the accounting system on a timely basis. Towards those ends, we have centralized control of all salary money in the central office. Any hiring requires approval by the central office.

We have established a Resource Management Branch within the Office of the Comptroller to do nothing but forecast, analyze and report on the status of funds for each region. The group is split up where we have specialists who don't do anything but watch each region in terms of each region, how they are spending and whether or not there are problems there.

We have initiated a very comprehensive quarterly review process to assess where we are within the budget plan, and what has actually happened to date. In years past, in effect, blocks of money were sent out to the regions, and they could spend the money as they saw fit.

Now, it is very tightly controlled by the central office. We have a lapse decision-making process, where any funds which are lapsed at the end of the quarter are returned to the central office for disposition by the Commissioner based on the national priorities.

In years past, what would happen, that money would stay with the regions and the regions were able to spend that money, often not in accordance with national priorities.

We have initiated a special training course for all program analysts in headquarters on the OMB A-123 Management Control Process. My office this year will be conducting on-site reviews of each financial operation with each region to assess where we are and to initiate any corrective actions that would be required.

Insofar as the fee accounts are concerned, in terms of establishing stronger management controls, we initiated in January 1990 a commercial lock box system in order to receive the quarterly user

fees from the airlines, as opposed to getting them in headquarters and then depositing them into Treasury.

As of today, one of my accountants has returned from a two-week audit of an airline in conjunction with the Customs Service, which again was in response to a GAO criticism. And then, in February of 1991, last month, the Commissioner approved a strategic plan to launch a nationwide debt collection program. This will involve not only my office, but our General Counsel. The programs, such as detention and records—

AUTOMATION CONTROL

Mr. EARLY. Later on, Mr. Perrelli, we are going to go into the automation with regards to these accounts. Later, I want to discuss where you are as far as updated automation.

GAO found that INS headquarters has not exercised proper control over politically-appointed Regional Commissioners who used their autonomy to thwart headquarters' efforts to allocate resources and manage INS programs.

What do you think about that?

Mr. McNARY. I agree with it. At the time they made that determination, it was clear to me there was too much regional autonomy. It caused many of the problems INS had to deal with. It caused lack of uniformity, and consistency in a number of areas. I did as much as I could to get control of the agency and to centralize, which I did by means of getting control of the budget, personnel, procurement, establishing a nationwide media policy, and making it clear to the Regional Commissioners that they were under headquarters' direction.

I think that many of the criticisms that GAO addressed were accurate and have been corrected. The other part that is still pending, but I think is imminent, is the reorganization, which would clarify structurally the central control over the agency.

Mr. EARLY. Fine.

Now, there were other criticism of weak financial management, which I believe Mr. Perrelli addressed in his last comments.

Mr. Rogers.

OVERTIME CONTROL

Mr. ROGERS. Thank you, Mr. Chairman.

On the overtime matters, I think I am correct, and follow along if you will, please. It is true in 1991, your overtime numbers went down, but in 1992, they are estimated to go back up.

If I am reading the numbers correctly, in 1990, the actual overtime dollar amount was \$17,230,000. That went down to \$12.5 million in 1991, and goes back up to over \$14 million in 1992. Is that correct?

Mr. PERRELLI. Yes.

Mr. ROGERS. You are not licking the overtime problem?

Mr. McNARY. I don't know. I think the fee structure is going to stand us in good stead. We should be able to provide a first-rate service. We are not going to eliminate overtime, because as long as there are Sunday flights and other flights when you have to pay overtime, we are going to have that.

But I think to the extent that overtime is caused by a shortage of personnel, we will correct it.

Mr. ROGERS. Well, the overtime work-years declined somewhat in 1991, but in 1992, they are estimated to go up much more than they were in 1990, from 841 in 1990 to 898.

Mr. McNARY. Congressman, that is because we are adding more people. We are challenged, rightfully so, to meet a 45-minute standard, and until we control the flights coming in, we are going to have some overtime to accommodate flights on Sundays. When you have more people, there is more overtime for that purpose.

Mr. ROGERS. Well, it can't be said that you have not had the money to work with. The fiscal year 1982 budget was \$400 million in appropriated funds. Ten years later, fiscal year 1992, it is going up to \$1.4 billion, much more than double in 10 years. \$400 million of that are from fees receipts.

Now, that is a whopping increase in dollar amounts. By now, we should be getting a streamlined organization without any bugs. We know you have only had a year in this job, and I find myself a little bit reluctant to jump on you with all fours, because you have had a relatively short tenure. But you took over an agency that needed reform and whipping in line more than any I can think of or know of.

What about that? You are getting all the money that you need. Are you making enough progress to satisfy your own self in the year you have been here?

Mr. McNARY. Congressman, this agency, as you have said, I am whipping it into shape. I believe I am. This agency has been whipped for 10 years. Not only did the budget go up at an alarming rate, so did the responsibilities. This agency has gone through two reform acts; gone through a tremendous increase in the number of illegal, attempted entries on the borders.

We have gone through a 100-percent inspection standard now. And now we are going to go down to 45 minutes. This agency—at a time when the world grows smaller, everyone wants to come to this Nation—has an increase in the budget that is not commensurate with the tremendous increase and the responsibilities it has taken on.

I should say to you it is not going to stop here. This world is going to be increasingly smaller, and it is going to be plagued with people on the move. That is the reason I like the challenge. But there is no question that immigration is rapidly becoming a top item on the world agenda.

So, my answer is that for the budget to skyrocket in a decade is not surprising. I think this agency needs to be streamlined, and I will be a little hokey with you, it is like a big, dirty-faced kid, nobody has ever wanted to touch. They might be contaminated.

Tremendous responsibilities have been heaped on it, and so it is tough. The agency, you say you don't know of an agency that has been more plagued. This agency, I would submit to you, is better prepared to respond than any other agency you know.

Since I came in, we have gone through legalization, we responded to the Moscow situation, we responded to the Chinese mandate. We responded to a massive influx of Central Americans coming in

through Brownsville, and I said, let's have tents and send a message out, and the influx stopped immediately.

We responded to asylum regulations with a completely new procedure and process; a new staff, and that is ready to go into effect April 1st. We responded to the new Immigration Act. I will show you, I have a chart that shows we are right on target.

We put in fairness program that affected several hundreds of thousands of people. This is something done in one year, a tremendous program. It has a big, dirty face, but it is a substantively sound agency.

I am going to clean it up. But you don't see an agency grow like this without some things falling through the cracks.

CONTROL OF BORDER PARTOL

Mr. ROGERS. At least we are getting the Border Patrol back to the border. That is a step in the right direction.

Mr. McNARY. The Border Patrol got into the interior. I am not defending it because I am the one who originally said let's get them back onto the border. They got into the interior because they followed the illegals. We had agriculture workers coming into Fresno and various areas.

There were State and local officials calling for the Border Patrol, these are your illegals, you come up here and take care of them. That is how the Border Patrol got into the interior. Now, we are replacing them with investigators. We are going to clarify this overlapping, as GAO calls it.

There was a logical reason why they got into the interior in the first place.

Mr. ROGERS. Well, I hear what you are saying, but who controls the Border Patrol? Is it your office or is it the Secretary of Agriculture of California, or whoever it is that is wanting those agents up there in the California fields?

Mr. McNARY. I would have to respond to that by saying neither. It certainly wasn't the Secretary of Agriculture from California, but it wasn't my office either, because we had been fragmented, as GAO pointed out. Regional Commissioners deployed Border Patrol agents; causing many of our problems.

ESTABLISHING CONTROL OVER REGIONAL OFFICES

Mr. ROGERS. Now, tell us how you are gaining control over those regional offices?

Mr. McNARY. Well, I have done it to this point with our budget. I learned long ago who has the money, as you well know with this committee, usually people listen. The budget has been controlled, as well as positions. We can do that from central headquarters.

The organizational structure that I would advocate—as I said, I think is imminent, would provide the structure—bringing the regions under the central office from an operational standpoint.

Mr. ROGERS. Now, regarding the Border Patrol—tell me again. The Border Patrol agents now will be limited to—you said 150 miles of the border?

Mr. McNARY. One hundred.

Mr. ROGERS. One hundred?

Mr. McNARY. Yes, sir.

Mr. ROGERS. That is without exception?

Mr. McNARY. For the most part. If it—if there is a major city within 150 miles, it would incorporate that city. There are a few exceptions.

BORDER PATROL STAFFING

Mr. ROGERS. How soon will this take place?

Mr. McNARY. It will take place as soon as you approve a budget for us. Because we need the 150 positions to backfill. We are presently, through attrition, moving people to the border. We have done it by leaving positions open. I would rather not spend the transfer money. That is the policy we have followed. Transfer costs are substantial. But I believe that everyone is in agreement that this needs to be done quickly to get more people onto the border and out of the interior if there is going to be some transfer money. We need backfill for the interior.

Mr. ROGERS. The 100-mile rule will take place if and only if the fiscal year 1992 request is approved for the extra positions for the interior, and would not begin until fiscal year 1992 begins, correct?

Mr. McNARY. No, I don't believe that is correct. To do it the way we want to do it, the comprehensive way is if you would approve this budget and we could backfill.

Mr. ROGERS. That is fiscal year 1992, this October.

Mr. McNARY. The comprehensive plan that has been put together would eliminate the duplication and establish Border Patrol as having the jurisdiction, not only over illegal entry, but over employee sanctions, fraudulent documents, enforcement within 100 miles of the border will take place as soon as we have the comprehensive plan approved by the Department.

And, again, that has been submitted. We think that it is imminent as well.

COMPREHENSIVE PLAN SUBMITTED TO DEPARTMENT

Mr. ROGERS. How long since it has been submitted?

Mr. McNARY. We just got it over there. It was supposed to be over there in March. It was due March 15th, and we got it in ahead of time, probably by a few minutes.

Mr. ROGERS. That is to the Attorney General's Office?

Mr. McNARY. Yes, sir.

Mr. ROGERS. Any indication how long they plan to study it?

Mr. McNARY. I should think—it is hard to figure out their timing, but this is something that they called for, so I shouldn't think that it would take very long.

Mr. ROGERS. But now you can begin to reassign the Border Patrol people once that is approved by the Attorney General or the Department, even before the fiscal year ends?

Mr. McNARY. When that is approved we are going to have the overlap duties eliminated. There will be a definite function for the investigators within the interior; a definite function for the Border Patrol within 100 miles. But for us to accelerate the movement of Border Patrol when we are doing it through attrition now, to accel-

erate that movement to the border, that is where we need your appropriation.

Mr. ROGERS. So, the 100-mile rule will not apply to the next fiscal year, even if GAO approves it?

Mr. McNARY. The comprehensive plan sets up the authority of the Border Patrol within 100 miles of the border. As soon as that is approved, regardless of the fiscal year, that will go into effect. That is one of GAO's criticisms. Getting people out of the interior and onto the border, that is another criticism.

We agree with both of them, we are trying to do both of them, but they follow separate paths.

Mr. ROGERS. I must say I am a little puzzled. I don't see them being two different things. One, on paper, you assign the duties of each group, one of which is that the Border Patrol is limited to 100 miles of the border. But if you don't implement that, it is not in effect, is it? If you don't move them to 100 miles of the border, and they are still up in California somewhere, just because you have written it on paper doesn't make it happen.

Mr. McNARY. We are only talking about 180 Border Patrol agents. To that extent, you are right. The other 4,000 are going to have a jurisdictional job description that will keep them within 100 miles. At the present time, they may extend beyond, and we have investigators in the same area and GAO criticizes for that overlap.

To the extent Border Patrol has jurisdiction within 100 miles of the border and everything else is in the interior, that we can do, even though we still have some Border Patrol men in the interior, and will have until attrition or we have the money to transfer through your appropriation.

BORDER PATROL FUNDS FROM DRUG CZAR

Mr. ROGERS. Your justifications anticipate receiving additional funds for the Border Patrol from the Drug Czar. How much are you slated to receive this year?

Mr. McNARY. We were slated to receive \$28 million, but that is not a definite commitment. Of that \$28 million, \$13 million would be for transfers of Border Patrol agents. We can transfer the 180 and then some to the border with that transfer money.

Other parts of that would be \$7 million for helicopters and helicopter parts, as I recall. Then there is a few million miscellaneous. It is the Drug Czar's money.

Mr. ROGERS. In fiscal year 1992, how much do you expect and how would you use the money? I first asked you about the current year. My next question is for the next year.

Mr. McNARY. I gave you 1992.

Mr. ROGERS. Answer about this year, then. How much are you slated to receive this year, and how will you use that money?

Mr. McNARY. \$2.6 million. It is for drug interdiction and overtime pay for Border Patrol agents to do it.

Mr. ROGERS. Is that how you reduced the 1991 overtime, by shifting it to the Drug Czar's special money?

Mr. McNARY. No, but I wish I had thought of that.

Mr. ROGERS. Well, how much was used for overtime or is being used for overtime?

Mr. McNARY. The total of—

Mr. ROGERS. Of the 2.6.

Mr. McNARY. We will have to furnish that for you.

Mr. ROGERS. Is it half or substantially more than half, or less than half?

Mr. McNARY. We will have to provide that figure.

Mr. ROGERS. Don't have a guess today?

Mr. McNARY. No, sir.

[The information follows:]

BORDER PATROL FUNDING IN FISCAL Year 1991 FOR THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA)

In 1991, the Border Patrol received one million dollars from the Office of National Drug Control Policy for the Southwest Border High Intensity Drug Trafficking Area (HIDTA). These funds are used by the Border Patrol to conduct 24-hour traffic checkpoint operations along the southern border. These checkpoint activities are directed at increasing the interception of illegal aliens and narcotics which are being smuggled into the United States. The funds are also being used to acquire critically needed detection equipment such as sensor devices and other night vision equipment.

BORDER APPREHENSIONS

Mr. ROGERS. You know, your budget for apprehensions along the southern border continued to increase since the summer of 1989. In 1990, your apprehensions were 4 percent greater than 1989. Do those figures represent border control actions or include inspections at port of entry?

Mr. McNARY. I think that they certainly include Border Patrol apprehensions, but you are not asking the question as to why it went up; you are just asking—

Mr. ROGERS. Does it also include people you apprehend at a port of entry?

Mr. McNARY. No, these are illegal entries, without documentation or inspection.

Mr. ROGERS. That is the total, whether it is port of entry or open field?

Mr. McNARY. This is total illegal entry during a year.

Mr. ROGERS. How many of those are Mexicans and how many are third-country aliens?

Mr. McNARY. They are virtually all Mexican. Central America has stabilized. We still have a small percentage of Central Americans, but that percentage has gone down. And my guess is it would be at least 95 percent Mexican.

DRUG SEIZURES

Mr. ROGERS. Can you tell me about what percentage is drug-related?

Mr. McNARY. We had just under 5000 seizures, a little under \$800 million in street value for the drug program. You can kind of make the comparison with total apprehensions.

Mr. ROGERS. That is the dollar amount of the drug seizures; is that what that is?

Mr. McNARY. Yes.

Mr. ROGERS. And you went down for the first time in many, many years.

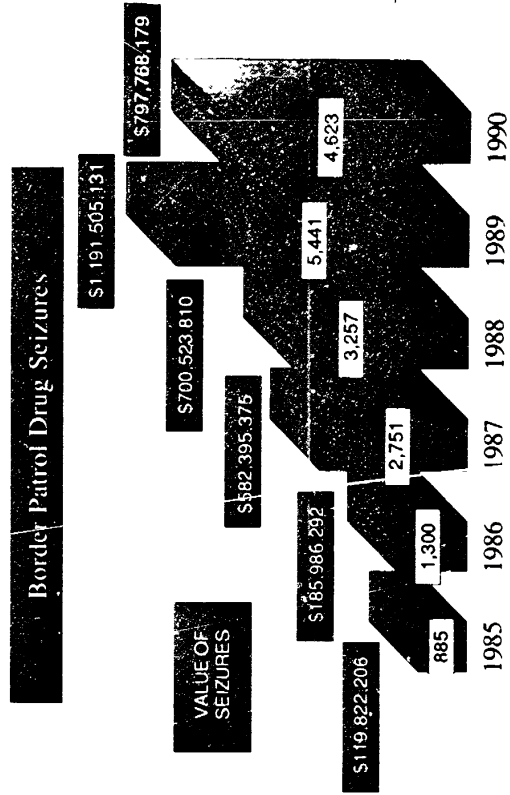
Mr. McNARY. Yes.

Mr. ROGERS. Can you account for that?

Mr. McNARY. Maybe the war on drugs is showing some sign of success.

[The information follows:]

Immigration and Naturalization Service

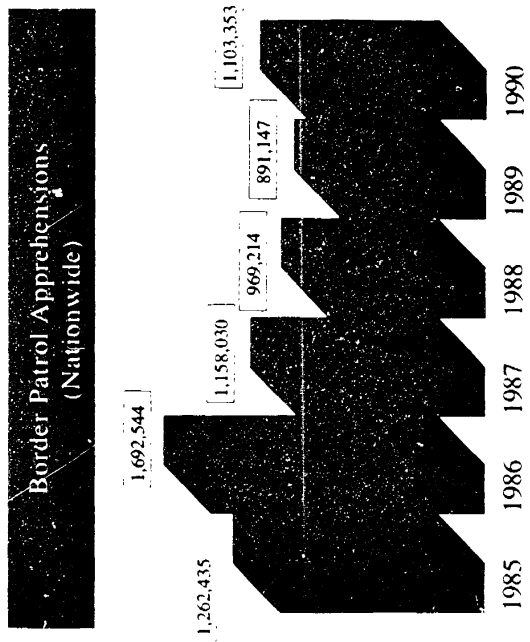


INCREASE IN APPREHENSIONS

Mr. ROGERS. Can I see the previous chart you showed? It also showed your apprehensions are—had been declining since approximately 1986, and made a substantial jump in approximately 1990 over 1989.

Can you explain why that is so?

[The information follows:]

Immigration and Naturalization Service

Mr. McNARY. I can give you my analysis. We believe that there are three basic reasons.

First of all, there is tremendous pressure on that border because of the economic disparity between Mexico and the United States. The peso has gone down drastically. People are trying harder to get across the border into this country to find jobs in steel or whatever.

Second, there has been an increase of fraudulent documents that have proliferated so it is easier to get a fraudulent document, which will be your ticket to a job.

Third, because we are getting more border patrol agents on the border, we are making more apprehensions. The San Clemente checkpoint has been an amazing success in stopping people. In a four-hour period on a Sunday, they will apprehend about 1000 illegals at that checkpoint. So the increase in line hours on the border will attribute or will account for some of that increase.

EMPLOYER SANCTIONS

Mr. ROGERS. What would we be talking about, do you think, if there were no employer sanctions?

Mr. McNARY. I feel strongly about employer sanctions so I am bound to exaggerate. But my judgment is we would have been talking about four or five million.

Mr. ROGERS. So you think the employer sanctions are that effective?

Mr. McNARY. Yes, sir. In spite of the differences that we have, people come across the border. You can see there are 5000 seizures, drug seizures. That is not to say that we caught everybody that came across with drugs. We didn't. But most people come across to find a job.

Mr. ROGERS. And you are saying the apprehensions would be quadruple what they are?

Mr. McNARY. As I said, I am probably exaggerating, but that is my judgment.

OVERTIME FUNDING

Mr. ROGERS. For the record, would you furnish for us all overtime funding for fiscal year 1989 and 1990 and 1991, from all sources of funds?

Mr. McNARY. Yes, sir.

[The information follows:]

OBLIGATIONS FOR OVERTIME—FISCAL YEARS 1989-91

Overtime obligations (1931 Act Inspectional Overtime, and 1945 Act Overtime) for all INS accounts for 1989, 1990, and 1991 (estimated) are as follows:

[In thousands of dollars]

Year:	Amount
1989	56,255
1990.....	51,954
1991 (estimated).....	¹ 52,553

¹ Overtime increases in 1991 are attributable to the impact of Operation Desert Storm counter terrorism measures and the effort to achieve the Congressionally mandated 45-minute inspection standard.

INS MISSION

Mr. ROGERS. Mr. Chairman, I have a lot of other questions but I will wait until this afternoon.

Mr. KOLBE. Thank you, Mr. Chairman.

Mr. Commissioner, the GAO study which you have already alluded to several times in your comments certainly is pretty damaging.

Just a couple of things I noted in reading over the executive summary, comments such as: "This agency has degenerated into a group of segmented, autonomous programs, each trying to handle its own problems with little attention given to their interrelatedness, and has produced budgets with little accountability to funds or attention to agency-wide priorities." "Three-fourths of enforcement managers said some of the work done by their unit is duplicated by another office." "The INS budget process suffers from a lack of agency-wide priorities and as a result has degenerated into an annual process of competing, narrow, parochial program interests."

I know you have addressed some of these concerns, but there is one thing in this summary that stands out to me and that is GAO's recommendation that Justice and INS articulate a vision of how INS is to operate effectively to carry out its role in implementing the Nation's immigration policy.

Can you tell me your vision of what INS' role should be?

Mr. McNARY. Yes, sir.

First of all, I agree with GAO in all accounts. It concerns me a little bit that the survey they took was in 1989, which was maybe a month after I came in, and yet they released that report in September, 1990, hardly timely. But—

Mr. KOLBE. Excuse me, you mean their field work was done in 1989, and the report was released in 1990?

Mr. McNARY. Almost in the fall of 1990. And concerning many of the things that they had suggested, you know, there is nothing mysterious about them.

When I came in, I set out to correct and have corrected many of those things. We have a management team. At the central headquarters we have pulled together our programs. We have goals and priorities. I can tell you the top five goals and priorities, I can tell you, because you are looking at the budget, how the budget is going to be driven by our goals and priorities.

What I didn't do in the first year was to put depth into this and the planning, the management planning process, which is a Total Quality Management (TQM). I have done that before in my past life. It is a way to tie your entire agency into your goals and objectives. And we are in the process of doing that. And that is the way we can meet the communications problem, horizontally and vertically, that GAO addresses.

Coming up with a mission and pulling everybody into it. That is in process. But in that first year, we came miles toward eliminating fragmentation, and we did set at a headquarters level our goals and priorities. We did tie it to the budget.

I came in here last year really by the seat of my pants and said some things that maybe I didn't have the authority to say but they

were obvious to me that they needed to be done, and we have done them.

Mr. KOLBE. Before you go back to articulating your vision, I am curious about that chart on the financial standards. As I look at that chart, it goes back to audits that have been done from 1984 on. In every single case, in the case of unreliable financial information, weak internal controls, 1984 through 1987, studies by GAO and others—1987, 1988, 1989, 1990—have identified the same thing.

It seems to me that more than putting a management team in place, some people should have been fired around INS by this time.

But it strikes me there are some things that are a major problem in the agency that have developed over the years and have not been corrected.

Mr. McNARY. I agree.

Mr. KOLBE. Do you want to say anything more about your vision of that question that the GAO study talks about in articulating a vision of how INS is to operate effectively? Did you want to say anything further on that?

Mr. McNARY. Be specific as to——

GOALS AND PRIORITIES OF INS

Mr. KOLBE. It is a general question. It isn't a specific question. It says: "Justice and INS must articulate a vision as to how INS is to operate in carrying out its role in carrying out the Nation's immigration policy." And I am pleased to hear you tell us about the specific controls and reforms, financial reforms, for example, you put in place.

But I am just wondering what your vision of the agency shows in terms of carrying out the Nation's immigration policy.

Mr. McNARY. Well, my vision is and I was, maybe, overly verbose before, that immigration is going to be a higher and higher item on the world's agenda. And I think this Nation needs to come to grips with it.

As far as our goals and priorities, number one, I believe we have to get control of the southern border. I think we have got to hold the border. That is number one. And you will see this budget relates to that; 36 million in detention. A number of the other measures are directed toward holding the border.

Second, removal of criminal aliens. Third, we have got a new asylum regulations that are probably more significant than you know. There is a humanitarian aspect to it. It has to be done right. It is a new program, and I think that it will satisfy a lot of people if we are successful, and we are going to be successful.

Employer sanctions is fourth. As I mentioned to you, employer sanctions is vitally important. And fifth is data processing.

In this agency—it is a crime that this agency is as far behind in data processing—whenever there was a crisis, and since 1986, and maybe even before, it has been one crisis after another because these funds would be diverted away from "unimportant" things like data processing and vehicles and some of those things. Now, we are staying on-target. We are not getting off-target.

I think we are catching up. That is the vision—to make the agency efficient, responsive to immigration needs, both legal and illegal.

ILLEGAL IMMIGRATION

Mr. KOLBE. Mr. Commissioner, I have said on more than one occasion that the problem for an agency like INS and for Customs, you are alike in this sense in that you have a bifurcated mission on the one side to try to prevent the illegal flow of people or in Customs, illegal flow of goods coming into the country, and on the other hand to try to facilitate the legal flow of goods or people coming into the country.

I am wondering how you see INS' role in balancing these two sides. For example, on the legal side, the importance of tourism as an economic impact on this country.

If we do not have sufficient agents at airports, mainly airports today, and border—highway border crossing stations, we are not going to be able to get those tourists processed.

Just to give you one example, I was talking the other day to a high official of the Mexican Government who took a two and a half hour flight from Mexico City to Los Angeles and spent two and a half hours trying to get through the Customs, because there was one inspector on duty at LAX.

I am just wondering how you see this balance between the legal role of the INS and the role of stopping the illegal transport of people and goods.

How do you do that balance? Do you see one as more important than the other or one as needing more emphasis than the other?

Mr. McNARY. No, if anything, I am more concerned about the illegal immigration, because I sincerely believe that next year at this time, we are going to have a "service" report on inspections, examinations, and the facilitation of legal entry into this country that is going to make you very happy.

I think that what has been done, and it is because of you, elimination of the contiguous territory fee, \$80 million in additional funding, 45 minute-minimum standard, I believe we have it within our power. Once we have got this thing in place, you know, comes along a war, the travel falls off, it skews our figures, the revenue stream stops, yet we are geared up, we have got 333 inspectors ready to hire.

I have a hard time plugging a war into our long-range plans. But I believe we are back on target and it is within our power to provide a first-rate service because the traffic will support it, so I am not as worried about the service end as I am about the illegal part.

You can't very well cover it with user fees. And I see us having a greater and greater demand to deal with criminal aliens, to control the border, to bring some semblance of order and sovereignty to this Nation, and I think it is an overwhelming undertaking. So that concerns me more.

But it does require a balance. I don't believe, as someone suggested, it has to be separated.

MANAGEMENT PROBLEMS CONCERNING BORDER REGIONS

Mr. KOLBE. Let me ask you a question about moving border patrol agents to the border. I appreciate this idea. But isn't it more than that? I mean, what else is INS doing within that 150 miles? You have given us some idea about what is being done by moving those agents to the border.

What steps have you taken to overcome the management problems, coordination problems along the border region?

Mr. McNARY. Well, the border patrol under a new structure would have centralized control from Washington. I don't think that has been a problem in the past. I think the border patrol operates as a cohesive unit, and it is a question of personnel.

We have added, and I think we are making significant progress in the San Diego area with the lights that are going up they have an impact. There is progress with sensors that we have along the southern border, and we are asking for funding for more. There is fencing repair and replacement of existing fences. That is being done in San Diego at the present time, and clearing the brush and a number of things that we believe will make a difference.

But, as you know, it takes a combination of things, and we think we have it in motion.

RESOLVING MANAGEMENT ISSUES

Mr. KOLBE. I appreciate that, but I am really not referring to the physical resources you are applying to the problem, but more the management issues. We continue to hear about continued problems and overlapping duties in such areas as jail inspections and sanction investigation.

I have been told that legal offices have been told to work it out at the local level. Yet I don't think it is happening because I don't think there is a direction from the top on this. I don't know whether you agree with that. You don't think there is a problem, I guess, with coordination of the border patrol functions at the border.

Mr. McNARY. Well, I think that is too general. We participate in a group that operates out of El Paso called Operation Alliance that ties together various law enforcement agencies. We have coordinated with the Seabees. We are putting up fencing. We have coordinated with the military. I think there is good coordination going on right now between the various departments and agencies in the Federal Government.

I am not sure if you are referring to GAO and an overlap between investigation—

Mr. KOLBE. I am referring to things I hear along the border.

Mr. McNARY. I will respond to anything you have heard.

DIFFERING VIEWS ON APPREHENSION LEVELS

Mr. KOLBE. I have got a lot of other questions, but I will come back on my second round. I was astonished by your statement, and you conceded it was your own view, that there would be as many as four million illegal immigrants apprehended if we had not passed the Immigration Control and Reform Act.

Do you have any basis for that kind of statement, a four-fold increase over what we are experiencing today? I am just wondering what you base it on.

Mr. McNARY. I guess I base it on economic factors more than anything else.

Mr. KOLBE. The American economy isn't doing that great and actually the Mexican economy improved by a greater percentage than this economy did.

Mr. McNARY. The peso has completely plummeted. Between 1986 and last year, the peso was down three times. Somebody could try 10 times to get across the border. If he just made it once, he made more in one day than had he worked 10 days in Mexico. That is a lot of pressure.

Mr. KOLBE. Is it your view, then, that not only would apprehensions have been four-fold greater, but there are perhaps one-fourth as many illegal immigrants in the country as there would have been?

Mr. McNARY. I can't say that. You are asking how many of the people who come across go further north. And the thing that is hard to measure is how much running back and forth across the border we have. But I am confident that there would be that kind of increase in illegal entry.

Mr. KOLBE. We are almost back up in 1990 to the 1987 level there. Is it your view that—

Mr. McNARY. Wait a minute.

Mr. KOLBE. Of apprehensions.

Mr. McNARY. In 1987?

Mr. KOLBE. One million one hundred three to 1,000,058. We are almost back up to the 1987 level.

Mr. McNARY. But not 1986.

Mr. KOLBE. No, not 1986. Although I would say at the rate of increase, it won't be very long until we are up to 1986, an all-time high.

Is it your view that sanctions are working? Are these illegal immigrants getting jobs?

Mr. McNARY. I think they are getting jobs.

Mr. KOLBE. That is certainly my view, that they are. I think you are right about increased fraud in documents, something I think a lot of us pointed out would be likely to happen with the Immigration Act.

I will come back with some other questions.

CENTRALIZATION OF INS

Mr. EARLY. I am having a lot of problems as far as—the Committee has learned the last few days of some agencies that have been problems in that they are so broad and they cover the whole country. The Federal Prison System and the FBI and the DEA, you know, have come in and they have really impressed this Member. I think they have impressed the whole Committee as far as how they have decentralized.

Yet on all the criticisms I hear of INS, I think it focused on problems in the regions. I am interpreting your answers as saying that you are centralizing.

So let me ask you specifically, with respect to INS, are you centralizing or decentralizing?

Mr. McNARY. Centralizing.

Mr. EARLY. In the long run, how do you think that could work? If there is a particular region down on the border and they have an overtime problem, mismanagement, how is a centralized INS, going to correct that? You are moving in contrast to the Bureau of Prisons, FBI, DEA.

Mr. McNARY. FBI and DEA are centralized.

Mr. EARLY. They certainly can relate to answers that we ask them. For example, when they have a problem in Texas, the Director wheels around to someone from Texas and he gives them specific answers. I mean, at least this Member didn't get the idea that we were centralizing any of those agencies.

You are such a big, big agency, and I don't know how you can, other than theoretically, resolve problems by centralizing.

How are you going to tell them down in Arizona that they have too much overtime and not enough overtime, poor management, good management, overlapping responsibilities, processing delays, chaotic budget process.

You have said that the money controls it. I would think it would be better if we stayed decentralized at a regional level, and the region should be controlled through the purse strings. You are disagreeing with that?

Mr. McNARY. Yes, sir.

When I came in, the situation was that four regional commissioners would really get together and divide up the budget. It wasn't based on workload. It really wasn't based on mission, goals, objectives, or anything else. It was based on negotiation and who was in the strongest position.

There is no question but that it was destined to fail.

Mr. EARLY. I am not sure. The regional concept isn't failing with the other agencies. Don't you agree that it was for the central headquarters to determine the mission, and the regions to implement the mission?

We are talking about micromanagement here if you are going to centralize it and you are going to tell them how much overtime or what they do on records down in Arizona.

Mr. McNARY. I would bring them in to participate in the discussion on mission, budget, goals, priorities, all of that, and that is a part of our plan.

But when it comes to accounting, financial management, it has to be controlled at one source. There is no way you can have four independent regions and expect to come out in the black.

Mr. EARLY. I think the other agencies identified have one agency in charge. But they seem to decentralize and get better management.

Mr. McNARY. We have district directors and there would be a management role for the regional commissioners under the new reorganization. As you know, our 33 district directors are responsible for grassroots services.

MACHINE-READABLE VISA PROGRAM

Mr. EARLY. What is the current status of the independent agency border inspection system? That is the machine-readable visa program.

Mr. McNARY. The current status is that it is on-target. We have funded a five-year program, roughly \$10 million a year. We are going into the fourth year of it where 38 of the 67 international airports have machine-readable visas at this point.

We are able to extend it further. The land borders, there are 34 land border stations that have a terminal. They don't have a machine-readable card reader there. There is one that does; it is a prototype, but the analysis is a little different for the land border, and that is the reason we don't have machine readable visa equipment in place.

Mr. EARLY. But those numbers, 38 out of 68, when you say we are in our fourth of five years, 80 percent, those are acceptable to this Member. I wanted to ask you how many ports of entry have it, and you have answered that already.

But last year INS indicated it was still in the investment stage with respect to the land and seaports of entry due to the technology. Are you satisfied with the timetable? Will we do it in five years?

Mr. McNARY. Five years.

Mr. EARLY. We will do it in the five years? You expect to have full coverage in the five years?

Mr. McNARY. Yes, sir.

Mr. EARLY. So you don't envision any changes or any implementation problem?

Mr. McNARY. I was concerned, again, when the Persian Gulf crisis came in and our revenues fell off; we are funding part of IBIS out of user fees, \$8 million. And when that fell off, it impacted our revenue stream. But our projections, in working with the airlines, are that bookings are up and travel is picking up, and we should be back on schedule.

AIRLINE INSPECTIONS

Mr. EARLY. As a result of last year's are moving exemption for the inspection fee collection from Canada, Mexico and the Caribbean, it was assumed that the total number of airport inspectors for fiscal year 1991 was to be over 1800. The Committee understands that not only have you not brought on the additional new position, but current vacancies place you over 600 inspectors below your authorized level.

First, is that true?

Mr. McNARY. The authorized level, I can't answer that.

Mr. EARLY. There should be someone that can specifically answer that question. It is a specific question.

Mr. McNARY. There are 600 vacancies.

Mr. EARLY. Fine. Why?

Mr. McNARY. That includes the 450 additional new positions.

Mr. EARLY. Why?

Mr. McNARY. Why haven't we-----

Mr. EARLY. Why haven't you filled them?

Mr. McNARY. Because there was a 50 percent fall-off in air traffic. We were ready to go and had 330 commitments to fill those positions. Then we had a 50 percent trans-Atlantic fall-off plus an overall 15 percent fall-off in traffic——

Mr. EARLY. That is a legitimate answer. That is what I am trying to get at.

Mr. McNARY. We had to stop because we didn't have the revenue to pay the new employees and we didn't have the traffic.

Mr. EARLY. What are your projections in your budget here?

Mr. McNARY. We are talking 450 this year. The 450 is 1991.

Mr. EARLY. So you have those plus another 200 requested in FY 1992. If you are still going to fill 450, why request 200 more?

Mr. McNARY. That is our model, and we believe that is what is going to be necessary to——

Mr. EARLY. A lot of times you have changed from your model. You didn't anticipate the last model you had that the passengers were going to drop off. That is why you have 450 vacancies. I don't know how the Committee can give you any more if you have 450 vacancies.

Mr. McNARY. I believe the airlines when they tell me their is demand out there. We are on a yo-yo here. It falls off and we are going to be called upon to meet tremendous traffic just like that. That is the reason we are ready to hire 350 people as of May 1st. And we will still be short of reaching the number of staff that is required for 45-minute processing.

MAY 1 INSPECTION STAFFING GOAL

That is 200 positions we are looking to in 1992.

Mr. EARLY. You are going to staff up 330 by May 1?

Mr. McNARY. Yes. You are asking me a question—we play this by the minute because we are looking at these airline bookings trying to figure out if we are going to have the increased traffic to pay the new inspectors that we want to hire.

Mr. EARLY. Do you have an established list that has at least 330 names on it?

Mr. McNARY. Yes, sir, commitments.

Mr. EARLY. How many are on that established list to fill these positions?

Mr. McNARY. How many what?

Mr. EARLY. How many names are on that established list to fill these vacancies which we haven't filled because of the cutback in passenger service?

Mr. McNARY. Three-hundred and thirty-one.

Mr. KOLBE. Mr. Chairman, have those gone through training or have they just gone through the application process, and they are ready to be employed and go through training?

Mr. McNARY. The latter.

Mr. EARLY. So they have not gone through training?

Mr. McNARY. That is correct.

TRAINING FOR NEW EMPLOYEES

Mr. EARLY. So the entire list is 331? So you would bring them on May 1st, that 331, if they are still there, some of them would have gotten other jobs, et cetera, May 1st, and how long is the training?

Mr. McNARY. We will bring them on and will fit them in with on-the-job training and they will go through the formal training later.

Mr. EARLY. Even that still leaves you another 150 off the unfilled list. We still have a request for another 200.

Mr. McNARY. As soon as we—you are talking about air—you are talking about user fee, not land border inspections?

Mr. EARLY. I am talking about the airport?

Mr. McNARY. We are going to hire up as fast as our cash flow will allow us.

Mr. EARLY. Can you give the committee what you estimate as far as collections.

Mr. McNARY. Well, projections, \$191 million for 1992. That is if we have everything, and everything goes the way we project.

Mr. EARLY. Let's go back to 1991 because you had such a drop-off. What did you originally suggest to the Committee that we fund for FY 1991, and how much is that going to be off in actual collections because of the big decline in air traffic?

Mr. McNARY. We originally projected \$168 million, and we revised that downward to \$146 million. We are revising it back up, and we believe that we will hit the \$168 million.

OVERTIME FOR AIRPORT INSPECTIONS

Mr. EARLY. In all these positions we didn't fill, what was your overtime in the airport inspectors? How much are you going to spend in overtime?

Mr. McNARY. You are not talking about the individual supplemental income overtime, you are talking about the aggregate?

Mr. EARLY. What I am trying to get to is, since we didn't fill these positions, can that cause us to increase the overtime?

Mr. McNARY. We don't believe so. We think the overtime is locked in by law that we have to pay people on Sundays, and we are not going to get rid of it until the law is changed.

Mr. EARLY. Let me ask you, what percentage of the overtime is locked into Sundays?

Mr. McNARY. Seventeen percent of total inspection is Sundays and holidays.

Mr. EARLY. Seventeen percent? Don't you have employees that work Sundays that are not paid overtime?

Mr. McNARY. No.

Mr. EARLY. Every one of your employees that is paid on Sundays gets paid overtime? So 17 percent of it is—

Mr. McNARY. Locked in by law.

Mr. EARLY. That leaves us 83 percent. If you had filled the positions, would we have reduced overtime, in your professional opinion?

Mr. McNARY. We are controlling that. I would have to go back and analyze it and get you an answer.

[The information follows:]

OVERTIME

For several years the imbalance between rising inspectional workload and available staffing levels has required the use of approximately 40 percent of our total primary staff hours (1.6 million staff hours in 1990 alone) on overtime. Since, by statute, 1931 Act overtime compensation must be paid for all Sundays and holidays, 17 percent of annual workhours (62 Sundays/holidays per 365 day workyear) represents the minimum 1931 Act overtime requirement. If permanent staffing were sufficient, both from maintenance of a low lapse rate and through periodic additions to keep pace with air traffic growth, overtime could be reduced to a recurring level of about 30 percent of total hours. The need to use overtime in non-Sunday/holiday situations, such as to cover unpredictable traffic peaking during weekdays, precludes any further major reductions. We believe that as new staff are hired, the need for other-than-Sunday/holiday overtime will decrease, although the actual daily costs during the Sunday/holiday periods will rise as more inspectors are needed to fully serve each airport. The net effect is expected to be a stabilizing of total overtime expenditures at the current level. Overtime per inspector will, however, continue to decline with rising on-duty levels. Overtime per workyear has fallen from \$23,000 in 1987 to a projected \$15,000 for this year.

OVERTIME COSTS

Mr. EARLY. I am looking at what you were supposed to spend in overtime. What do you actually expect to spend in overtime?

Mr. McNARY. \$27 million.

Mr. EARLY. Now, that is \$27 million you are going to spend that you had anticipated in 1991 spending only \$24,029,000?

Mr. McNARY. Apparently. You are looking at the—

Mr. EARLY. Yes. I am sure when you give the committee \$24,079,000, you took into consideration the piece of that that was on Sundays.

Now, I am trying to find out why, with all the cutback in the amount of traffic, and a reduction in the number of inspectors, why we get a \$3 million increase?

Mr. McNARY. Our figures—we are talking about projections that were done before the war, and \$27 million is a revised projection.

Mr. EARLY. There is no question of that, Mr. McNary, but there is a question that before the war, we expected more traffic. The war comes, we get less traffic. I conclude that there should be less overtime.

If you have more traffic, then you would have more overtime. But, I mean, why wouldn't the war have caused less overtime?

Mr. McNARY. The Sundays and holidays accounts for 17 percent. Our projection of \$24.5 or \$27 million is—I don't know the percentage of \$168 million, but that is in the ballpark. We are talking about the same ratio of overtime which is locked in by law on Sundays and holidays.

Mr. EARLY. But when your traffic diminishes—

Mr. McNARY. \$27 million includes land inspection overtime.

Mr. EARLY. When you get to the air traffic, when you suggested that your work load decreased 50 percent, shouldn't some of your operating expenses including overtime decrease?

Mr. McNARY. I think they probably have. Everything was scaled back. As I indicated, in consultation with the airlines we believe it will pick up, and as we look through the entire year our estimates are that we will finish about the way we projected.

AUTOMATION REQUEST

Mr. EARLY. How familiar are you with the automation in your agency, Mr. McNary?

Mr. McNARY. Give me a try.

Mr. EARLY. Who specifically is in charge of that?

Mr. McNARY. Dr. MacRae.

Mr. EARLY. We have your five-year plan on automation. On the ADP systems, the 1992 request represents the fifth year of the INS automation program. And then it says what the accomplishments have been since 1989 to support software and maintenance needs of INS.

Are we on track with that? If you don't automate, you are out of business.

Mr. McNARY. That is exactly right. And we stayed on target last year for the first time. And I think we are catching up.

Mr. EARLY. Okay. So the answer would be in the affirmative?

Mr. McNARY. Yes, sir.

CENTRAL INDEX SYSTEM

Mr. EARLY. Fine.

The Central Index System, which houses 30 million individuals accounts, give us a comment on where that is going.

Mr. McNARY. The Central Index System, which is the INS's prevailing source of information, usage has increased by 30 percent because more employees now have ready access to it. The file accountability control system is installed at all but the smallest INS locations.

Mr. EARLY. I am going to, with Mr. Rogers' permission, yield to Mr. Kolbe.

Mr. KOLBE. Thank you very much. I appreciate Mr. Rogers yielding so I can ask two quick questions here, since I have to go to a meeting. And I will submit some questions I have, Mr. Commissioner, about staffing issues for you for the record.

CENTRALIZATION OF INS

I want to go back to the point I was trying to make earlier about my concern about the coordination along the border. You said you centralized it. The Border Patrol reports directly to headquarters in Washington. Is that correct?

Mr. McNARY. Not at the present time.

Mr. KOLBE. They report to who? To the regional office?

Mr. McNARY. Yes.

Mr. KOLBE. I thought—I could have sworn I heard you say you were centralizing the management report to Washington, or is that a plan?

Mr. McNARY. That is a plan.

Mr. KOLBE. Would that be the same, then, of the investigators and the inspectors, the other INS elements?

Mr. McNARY. Yes. Law enforcement would be centralized just like the FBI, the DEA, any law enforcement agency should be centralized so you are not at cross purposes in investigations that may be nationwide investigations. There has got to be a cohesive network.

REDEFINING ROLE OF REGIONAL COMMISSIONERS

Mr. KOLBE. But these are three elements of the same agency. How is it going to improve management for INS to have the Border Patrol answering directly to Washington instead of the Western regional commissioner, and what is going to be the role of the regional commissioner or are they going to be taken away altogether?

Mr. McNARY. My view of the restructuring would be that the regional commissioner would be more administrators, and the control over the law enforcement functions at INS would be at the central headquarters going directly to the district director, who would be in the chain of command, comparable to an agent in charge, and he would be in charge of enforcement at that district level.

Mr. KOLBE. So who is going to coordinate at, say, San Diego or Nogales or El Paso, between the Border Patrol and the inspectors? At one of those stations?

Mr. McNARY. Inspectors or investigator?

Mr. KOLBE. Investigator.

Mr. McNARY. That would be the Associate Commissioner for Enforcement.

Mr. KOLBE. In Washington?

Mr. McNARY. In Washington.

Mr. KOLBE. Precisely what you say you are about to make in the way of changes haven't been made. It is precisely that kind of problem I have heard about where one of your inspectors has gone into a jail for an inspection and found out a Border Patrol had been there for the same inspection.

Mr. McNARY. We are going to correct that.

Mr. KOLBE. I don't know how, if you take away all the coordination at the local level. There is no regional coordination.

Mr. McNARY. Our district director has the detention facility under him.

Mr. KOLBE. I thank the gentleman for yielding.

Thank you.

EMPLOYER SANCTIONS INCREASES

Mr. ROGERS. Mr. Commissioner, you are asking for a big increase in the number of employer compliance inspections, about 13,000 this year to over 15,000 next year. Is that a shift in emphasis?

That is in the investigations portion of the budget. Your work load estimates would jump from 13,000 to 15,000 for employer compliance inspections. I find nothing wrong with this. I am just wondering, is that a big shift in emphasis?

Mr. McNARY. I believe that employer sanctions has to be beefed up.

Mr. ROGERS. I agree with you on that. I am just wondering, that is a pretty major shift in emphasis in policy, I gather, is it not?

Mr. McNARY. We are asking for 150 investigators. So we have got a net gain on the investigators that will look to employer sanctions. We are adding that—no matter how you slice it, that is the only increase in enforcement personnel. So the rest of it is going to be in getting more mileage out of greater efficiency.

INS has more Border Patrol agents on the border and they can be working on employer sanctions within that 100 miles, and

become more effective. Investigators are more effective on the interior. We hope to do a better job.

Mr. ROGERS. I am glad to see that because when we passed the IRCA in the Congress, a lot of us had a great deal of reservations about trading off amnesty for employer sanctions in the future, and if employer sanctions either, number one, don't work, or number two, aren't enforced, or three, are fraudulently avoided, then the whole centerpiece of our immigration policy has broken down. And if, as you believe, employer sanctions are responsible for dramatic drop-offs in border crossings, then it seems to me that that is a gold mine we need to emphasize even more.

Mr. McNARY. Yes, sir.

Mr. ROGERS. Do you agree with that?

Mr. McNARY. Yes, sir. As a matter of fact, we think we can do that with a journeyman or an apprentice investigator, a new position we have established that can be an entry level and could be very effective in that area and also in criminal aliens. But, you know, you can only address so many things at one time.

Detention is our main thrust in this budget. We will be back as funds are available for more investigators to address that problem.

Mr. ROGERS. But if you take away the reason for coming to the U.S., that is, the job, then you won't need as much lockup space, will you?

Mr. McNARY. We can argue over a beer about that, but I think we need the lockup space. The lockup space sends a message. If we don't have it, we have to send people back to Tiajuana. It is incredible how fast the word travels, knowing we don't have anything to do with them. We have to just let them go and they abscond.

So the lockup space is a priority.

LITIGATION OF EMPLOYER SANCTIONS

Mr. ROGERS. Have you litigated many employer sanctions cases?

Mr. McNARY. How many were litigated? There have been 2,000 notices for fines, about \$5 million collected. We have gotten some criminal penalties in half a dozen cases. We have litigated 12 cases and gotten criminal penalties in a half a dozen.

Most of them settle for a fine. We would like to strengthen that.

I think the warning period is over. We don't want to go through a lot of administrative paperwork violations.

I am as much in favor of business as anyone, but I think it is time to send a message.

Mr. ROGERS. Yes. We are talking about tens of thousands of employers in the region along the border. I mean, we are talking tens of thousands of employers. and you have litigated 12 and you have only punished six.

In what, two, three years?

Mr. McNARY. Our figures indicate 80 percent are in compliance. We monitor that and we have gone through a system of random enforcement, as well as lead-driven investigations. The effort has been there.

Mr. ROGERS. You have already told us, though, that you have got a lot of violations of the Immigration Act by employers. And there

is no doubt about that. But I guess I am saying to you, and I guess you are saying the same thing, that it is time to crack down.

Mr. McNARY. Yes, sir.

Mr. ROGERS. And the warning period is over, and those who hire illegal aliens should be punished. Is that right or wrong?

Mr. McNARY. That is right.

Mr. ROGERS. And I gather you have got a vigorous effort ongoing in that respect?

Mr. McNARY. It is vigorous, but it is going to be more vigorous.

BORDER PATROL AGENT INCREASE

Mr. ROGERS. Well, I am glad to see you are increasing employer compliance inspections dramatically in 1992 over 1991.

Now, you are asking for 150 new positions, but isn't that just sort of backfilling the movement of the Border Patrol people back to the border, with the end result we won't have any additional manpower on the subject?

Mr. McNARY. Well, we will have 150 new people. No matter where they are, they are going to be new.

Mr. ROGERS. But now you have Border Patrol agents investigating. They are going to be shifted back to the border and you are asking for 150 people to fill their space, aren't you?

Mr. McNARY. That is correct.

Mr. ROGERS. So they are not going to have any more people in the investigations arena.

Mr. McNARY. Well, we will have them in investigations but it will be a wash.

Mr. ROGERS. That is right. You won't have any net increase in manpower toward the investigations.

Mr. McNARY. You have to remember, in my judgment, we have got some employer sanctions violations within 100 miles of the border.

So when we put 150, plus we can squeeze another 30 out, put 180 new people on the border, and we think they are going to be addressing employer sanctions as well as border control for apprehension.

Mr. ROGERS. I got you. I just want you to know that there is sentiment on this Committee, at least from this Member, toward vigorously enforcing those employer sanctions.

If we take away the magnet for drawing those people here, it seems to me that is the best thing we can do, at least that is what the Congress said when we passed that bill, when it passed and we gave amnesty to everyone in exchange for—and that was the tradeoff, pure and simple—in exchange for employer sanctions against future employment of illegal aliens. That was the big tradeoff. If we are not enforcing the other end of the bargain, then we have lost the benefits of that trade.

So I am glad to see you are vigorously enforcing it.

Now, you referred earlier to the very serious problems in INS detention and handling of aliens. The largest increase in your request, \$36 million, is for detention, deportation costs. Is that your number-one funding priority this year?

Mr. McNARY. Yes, sir.

DETENTION FACILITIES

Mr. ROGERS. Part of your request is an additional 278 positions to improve staffing at the service processing centers.

Mr. McNARY. We have more facilities than we can staff at the present time, and there is a story behind that and it is sequestration. But if we can put that money in, we should be able to make good use of it.

Mr. ROGERS. Do you have contract employees at those detention centers?

Mr. McNARY. We do at some.

Mr. ROGERS. What do they do?

Mr. McNARY. They are guards. The contractor runs the facility.

Mr. ROGERS. Would you be replacing any of those people with your new people requested?

Mr. McNARY. No.

Mr. ROGERS. The largest increase is \$16 million for a joint INS prisons contract facility in San Diego, just for criminal aliens. What is the status of that facility?

Mr. McNARY. Well, it is as you have described, a joint facility with BOP. It would include a thousand beds, 500 of which would be allocated to BOP and the other 500 to us. It is in a high, intense area.

Mr. ROGERS. How far along are you with that?

Mr. McNARY. I don't know. It seems to me that that is about three years. Operational in 1992, I am told.

Mr. ROGERS. Operational next year?

Mr. McNARY. Yes.

Mr. ROGERS. What portion of the \$16 million is for staff, INS staff?

Mr. McNARY. Two million for staff, and the remainder is for the contractor.

DEPORTATION OF CRIMINAL ALIENS

Mr. ROGERS. Now, I am told that 20 percent of our prison population is made up of criminal aliens. Why couldn't we cut back on the costs that we incur by imprisoning those people by pressuring that foreign country to take back that criminal alien to serve their sentence back over there? Would that not be a logical thing to try to do, and if so, are we pursuing anything along those lines?

Mr. McNARY. I have to smile. It sounds eminently logical to me, but I have not prevailed. I am not sure our laws would allow us to do that.

It is pretty clear that they committed crimes here. You wouldn't want to just deport somebody. That is the easiest way out without paying a penalty.

Certainly we could shave some of that time off, and deport them. The new Immigration Act is very encouraging in that regard because it streamlines the process, it enables us to go into the institution, and we have an institutional hearing set up now which we will get a final order of deportation up front when the individual goes into the penitentiary, so that at the end of his time, whenever he is released, he is immediately deported, without us taking him into custody. The new act allows us to do that, and we are working

with five States at the present time, they are big criminal alien States.

So hopefully, instead of taking up 60 percent of our detention space with criminal aliens, we will be in a position, one of these days, to deport directly from the penitentiary, or we will have centralized positions where they go for a few days and then are gone, and we have cut our costs and increased our capacity.

Mr. ROGERS. I don't know this, I am guessing—maybe you have figures on it—I am guessing there are just a few countries we are talking about here where a great percent of our criminal alien population came from that are in our prisons. Maybe three or four countries, probably.

It seems to me that it would be very productive for us to work with those countries, to get them to take back their nationals for the purpose of serving time.

Mr. McNARY. Again, I ran that up the flag pole and got a legal opinion that wouldn't allow it. You run into constitutional provisions. Our Constitution has provisions against cruel and unusual punishment and a number of other constitutional prohibitions that I am told prevent us from doing that.

Mr. ROGERS. Who tells you that?

Mr. McNARY. Department of Justice.

Mr. ROGERS. Would you supply for the record the justification for not doing that? Something we can look at?

Mr. McNARY. Legal opinion?

MACHINE-READABLE VISA PROGRAM

Mr. ROGERS. Yes, the legal opinion that you rely upon to make your statement. Perhaps we can remedy some of the problems we think are there.

Well, I have got a number of questions. Let me just ask a couple more topics, Mr. Chairman.

Machine-readable items: You have got \$3 million in fiscal year 1991 direct appropriations for the interagency border inspection program another 7.2 from the inspections user fee account. I think you have touched somewhat on this already, but as I recall, the only land border slated so far for the system is Nogales, Arizona; is that right?

Mr. McNARY. That is correct.

Mr. ROGERS. Has it been installed?

Mr. McNARY. Yes that is the only machine-readable IBIS system installed at a land port. We have terminals in 33 others, but Nogales is the prototype for machine-readable technology.

Mr. ROGERS. It is installed now?

Mr. McNARY. Yes.

Mr. ROGERS. Is it working and feasible?

Mr. McNARY. I am told it has proved difficult to machine read everybody on primary.

Mr. PERRELLI. The first inspection.

LONG-TERM PROSPECTS FOR MACHINE-READABLE VISAS

Mr. ROGERS. So what does that mean as far as whether or not we can one day have a machine-readable program?

Mr. McNARY. I think we are pushing ahead, but it is taking longer at the land border to analyze it and to make it effective before we spread it to the other ports of entry, than I would like. But we are going to push ahead as fast as we can to try to work it out.

Mr. ROGERS. Well, this is a setback, isn't it? I mean, a lot of us have put a lot of hopes in the machine-readable visa program.

Mr. McNARY. I think your hopes have been fulfilled with regard to airports. Land ports are another problem. I think we have been successful with the border crossing cards, but we apparently haven't been able to handle the great number of people that come through the port of entry.

Mr. ROGERS. What specifically is the difficulty?

Mr. McNARY. The time it takes to read every one of them in primary. There are 400 million people who come through our land ports of entry in a year, compared to 40 million people at airports. It seems to me that a sufficient amount of equipment would solve the problem.

Mr. ROGERS. I am lost. Why doesn't the machine-readable system operate or work?

I mean, it is supposed to speed up the time. What is it about it that is impractical?

Mr. McNARY. It takes a few seconds. Have you been to an airport and watched it?

Mr. ROGERS. The machine-readable? No, I have not.

Mr. McNARY. You ought to do it. It is fascinating. It takes seven seconds. You put the card in there and you get a picture in seven seconds. That doesn't sound like very long, but when you have got a whole line of people, and at our land ports there is never an end to the line. To wait seven seconds backs up things even more.

Mr. ROGERS. I mean if you do it manually how long does it take?

Mr. McNARY. We don't do it manually. We do it for vehicles.

Mr. ROGERS. You don't do it for individuals?

Mr. McNARY. No.

Mr. ROGERS. So---

Mr. McNARY. We have only had this Nogales pilot going a couple of months.

Mr. ROGERS. I am sorry.

Mr. McNARY. We have only had the Nogales pilot going a couple of months, and I am hopeful that we can get faster readers.

USUAL INSPECTION PROCESS AT LAND BORDERS

Mr. ROGERS. Yes, the way I understand the way you operate now is that you only check an individual if he sort of looks suspicious or doesn't fit some profile; where if you checked everyone with a machine, that could do it speedily. We could check every one individually that way, whereas you are not capable of doing that now.

It seems to me we will never police the border until we have got each individual somehow checked. Is that right or wrong?

Mr. McNARY. That is right. We think it is on target. You are right, and we are going to implement it.

Mr. ROGERS. I think it is terribly important. That is something we have been harping on for years, Mr. Early and myself especially, machine-readable VISA systems.

We have been hammering the State Department, hammering INS. We have had joint meetings up here. One would blame the other, and we have had nothing but frustration over that doggone thing.

Finally, you got one in, hallelujah. But you are not too excited about it.

Mr. McNARY. You guys are tough. The airports, I think, are going well, and we are on target, and it is a good operation.

Mr. ROGERS. Are they working well at the airports?

Mr. McNARY. I think they are. Now you have focused on our weakness and in this particular—it is not easy. The technology is not there like it is for airports.

Mr. ROGERS. Well, keep us apprised on the Nogales experiment. We are really interested in it.

Mr. McNARY. All right, we will.

AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

Mr. ROGERS. Finally, automated fingerprint I.D. system: You are testing that in California?

Mr. McNARY. Yes, sir.

Mr. ROGERS. My understanding is about \$1.1 million is provided for AFIS this year. Last year some of the money was used for some other purposes. What sort of projects were funded?

Mr. McNARY. We used \$2 million for AFIS. We had to defer—

Mr. ROGERS. I am talking about 1990. Are you talking about 1990?

Mr. McNARY. Yes. We had to defer, because of contract problems, \$900,000 into the next fiscal year. But 2 million has gone into that project.

Mr. ROGERS. You are asking for how much more for this next year?

Mr. McNARY. \$2 million in the base.

Mr. ROGERS. How do you plan to use it?

Mr. McNARY. It maintains the existing system and it adds two new—here are the places where we have AFIS and the \$2 million would support this and allow us to add two more. San Ysidro and San Diego would be added.

[The information follows:]

Automated Fingerprint Identification System (AFIS)

Background

The Appropriations Legislation (Report 100-979 of the 100th Congress) mandates the Immigration and Naturalization to conduct an AFIS prototype test.

Status

The FY 1991 project development will concurrently perform national requirements analysis and establish a field prototype Initial Operational Capability (IOC) for test and evaluation.

AFIS supports establishing control of the border by:

Electronically scanning subjects fingerprints or images

Establishing an electronic database criminal history and recidivism file, which contains number and type of convictions

Providing capability to identify criminal aliens and those who have multiple apprehensions through electronic database searches

The following sites will have AFIS booking terminals:

- San Diego Border Patrol Headquarters
- Brownfield Station
- Chula Vista Station
- Imperial Beach Station
- San Clemente Station
- Temecula Station
- El Centro Border Patrol Sector Headquarters
- San Ysidro Port of Entry
- San Diego District



FBI COOPERATION WITH AUTOMATED FINGERPRINT IDENTIFICATION
SYSTEM

Mr. ROGERS. Yes, now, have you been able to tie that system into the western I.D. network?

Mr. McNARY. We are tied into WIN right now. The FBI is carrying the ball and we are coordinating with them because it is important for them and maybe even more important for INS.

Mr. ROGERS. I was going to ask you about the FBI cooperation. You have no problems with the coordination with them?

Mr. McNARY. No problems. We are working with them closely.

Mr. ROGERS. You are not asking for an increase next year. Are there any funds in your 1992 base?

Mr. McNARY. \$2 million.

Mr. ROGERS. So there is no increase then?

Mr. McNARY. We are asking for the \$2 million to continue on. Our function and our role is to make sure when this thing is up and running it is going to take care of our needs. So we are in an exploratory mode, in my judgment.

Mr. ROGERS. Now you are requesting an increase of 3.2 million for a computer system that will improve the border patrols' use of ground sensors. Both your statement and the budget documents state that the current system is inadequate due to user requirements.

What requirements are not being met?

Mr. McNARY. We have got a problem in responding to vehicles and really coordinating a breach with the rest of our enforcement force.

Mr. ROGERS. Would you mind providing for the record the details of why the current system is inadequate?

Mr. McNARY. Yes, we will do that.

Mr. ROGERS. Now, is the money you are asking for 1992, will that complete the system? Is that the total cost?

Mr. McNARY. This would cover six sectors—the answer is, no. This would cover six sectors, so we are talking about a fourth of it.

Mr. ROGERS. Mr. Commissioner, thank you. We have kept you here a long time.

Ms. Chairman, I thank you for the time.

[The information follows:]

PROBLEMS WITH THE EXISTING COMPUTER ASSISTED DISPATCH AND REPORTING
ENHANCEMENT (CADRE) SYSTEM

The existing Computer Assisted Dispatch and Reporting Enhancement (CADRE) system has aged to the point that problems which are encountered in day-to-day operations cannot be overcome. Eight INS Border Patrol Sectors on the Southern border are currently operating on obsolete sensor monitoring or dispatch systems. These systems cannot be maintained because of the age of the hardware, lack the necessary storage and processing capacity, and are failing. Replacement of these systems will provide automation of crucial sensor data and agent status tracking functions.

The new CADRE II system configuration (currently operational in El Paso, TX) consists of a mini-computer platform which is configurable to accommodate the widely varying processing requirements (activity/workload levels) of the different sectors. The system will be accompanied by workstations for radio console operators, system administration, and electronics shop sensor maintenance use.

LAND BORDER INSPECTION FEE PILOT

Ms. PELOSI [presiding]. Thank you, Mr. Rogers. I have a couple of questions for the record generally, and a few specific ones. I appreciate the commissioner's time and I will try to be brief.

First, Mr. Commissioner, thank you for the cooperation we have received from the district office in San Francisco. I don't know of any district in the country that has as many immigration requests as we have with representation from every part of the world that you can imagine.

I have a few questions on the land border inspection fee.

According to your testimony, you plan to test in one location the pilot land border inspection fee authorized last year. Can you provide us the details of this pilot project?

Mr. McNARY. The first pilot would be in Blaine, and we are hoping that that will open in the spring. We have to go through regulations and public comment and report to you before it goes into effect, but we think we are on target.

It is primarily a \$25 fee for a window sticker. It is a voluntary thing, so it is an express lane. The individual could pay the fee and supposedly go through more quickly. If they don't want to pay the fee, they can still go through the other lines that are present.

Ms. PELOSI. Why are you limiting yourself to one project at one location since the authorization allows for more than one?

Mr. McNARY. We are not.

Ms. PELOSI. Were you prevented from initiating any other proposals in fiscal year 1992? If so, identify the proposal, where you wanted to place it, and why you were unable to do so?

Mr. McNARY. No, we believe that it is a very important pilot. The land border inspection is a major undertaking, a major appropriation, and hopefully with the pilots that we intend to establish we will find a good solution or maybe a variety of solutions that will help us to put money back into the border parts of entry and expedite travel.

Ms. PELOSI. From what you have testified so far, it sounds like you have an expedited lane.

Mr. McNARY. Let me correct that, then. That is the first one. We are already looking at other sites.

Ms. PELOSI. What other sites are you looking at?

Mr. McNARY. I don't think I should tell you that right now.

Ms. PELOSI. You don't. Okay. That is what you want the record to show. You don't want to tell us right now?

Mr. McNARY. That is right.

Ms. PELOSI. I guess the next question you won't be able to answer either. Why aren't you able to proceed?

Mr. McNARY. I think we might be able to. We just had the authority to do it. We are up and running at Blaine. We have done some preliminary work at other sites so we believe we are on schedule, on target, and should be able to respond to the congressional mandate.

Ms. PELOSI. You plan to collect \$1.9 million in receipts for this pilot object in fiscal year 1992. How did you derive this estimate?

Mr. McNARY. I think it is \$25 times the number of uses. It is basic arithmetic. We just projected how many people we thought would utilize it and that is your budget figure.

Ms. PELOSI. I see.

What specific expenses are planned from these receipts, and does this include facility improvements?

Mr. McNARY. Well, for Blaine it would not include facility expenses. It would include signage, personnel, computer equipment and software.

[The information follows:]

Additional detail regarding land border inspection fee budget for fiscal year 1992

Budget item:	Amount
Personnel.....	\$591,000
Benefits.....	120,000
Overtime (1931 Act).....	230,000
Equipment (for personnel).....	10,000
Signage.....	450,000
Other Contractual Costs.....	590,000
Total.....	1,991,000

Notes: Equipment included in the 1992 budget will be acquired for the additional personnel supporting the pilot projects.

Signage is based on four potential sites.

"Other contractual costs" include production of application forms and window stickers. Resources will be used for the development and distribution of promotional materials and announcements regarding the availability and advantages of an expedited means of crossing the border. It also includes the cost of leasing equipment to support pilot program operations at four potential sites.

INSPECTION DELAYS IN SAN FRANCISCO

Ms. PELOSI. That would be something we would like for the record in detail for signage, personnel, et cetera. If you could make that more specific for the record, it would be very useful to the Committee.

I have some other questions in relationship to that, but I will in the interest of your time, place them in the record.

I have some other questions on other subjects. I wanted to ask you a question about San Francisco.

During peak travel periods at our international airport, foreign tourists are experiencing three to four hours in getting through immigration. I can speak to that personally. While the airport has tried to assist by providing additional equipment like computers, personnel is unavailable to operate the equipment.

Tourism and travel to the United States is economically important to us and we must adequately enforce our immigration laws.

Do you have any plans to address this situation at San Francisco, to make the system more efficient?

It is my understanding that these delays are not necessarily the case at other international airports.

Mr. McNARY. Congresswoman, my report indicates it is not the case in San Francisco, either. Between the period of February 24th, 1991 and March 2, 1991, that is only a week—there weren't any delays over an hour.

Ms. PELOSI. Well, you must admit, at this particular point, it is at sort of a low because of the war.

Mr. McNARY. That is important for me to know, because the new staffing model would add substantially to the numbers.

Ms. PELOSI. For example, our hotels are at 50 percent now—not that it is your problem, but I am saying there is some obvious indication the war has deterred much of the travel to San Francisco, so that would not be a good period of time to measure what actually happens there.

I know you have a requirement to clear all passengers arriving at U.S. airports within 45 minutes. We have heard reports of passengers being kept on the planes longer so you achieve your 45 minutes.

Mr. McNARY. That last part we didn't have anything to do with.

Ms. PELOSI. That is not your understanding?

Mr. McNARY. I can give you an answer.

Ms. PELOSI. Okay. Let's start with what are you doing as far as San Francisco goes?

Mr. McNARY. We are going to add 29 new positions in fiscal year 1991. That is a 50 percent increase.

Ms. PELOSI. What would those new positions be?

Mr. McNARY. Inspectors.

Ms. PELOSI. Okay. Then the reports that this Committee has received about keeping passengers on planes in order to make your 45-minute requirement are untrue?

Mr. McNARY. I don't know that there is any truth to that and we don't have any control over it. We just take people who get off the planes and inspect them as they come through. The airlines are in control of who gets off of planes.

Ms. PELOSI. Our experience in San Francisco is that they wait on the ground quite a long time. These 29 inspectors—when will they begin? Do you know?

Mr. McNARY. That is something that you have explained. The war tended to skew things and it has with us. We were ready to hire 331 inspectors before the gulf crisis. Then when travel fell off we put that on hold. We are told now by the airlines they see bookings picking up and we should meet our organizations' projections, because of pent-up demand. That may be puffing, but we hope to start hiring May 1st and be ready for the summer.

IMMIGRATION AND CUSTOMS FACILITIES PROBLEMS

Ms. PELOSI. Great.

We do have a little conflict with Customs and Immigration Service at the airport. Are you doing anything to work that out?

Mr. McNARY. What is the conflict?

Ms. PELOSI. In the past there has been some cooperation between Customs and Immigration in moving people through faster. Now we get reports of some turf problems as far as that is concerned.

Do you have any reports of that?

Mr. McNARY. It is backwards there. There is a facilities problem. If you have got a facilities problem—San Francisco and Honolulu are two major problems where all the personnel will not solve the problem. It is backwards. We are supposed to have 100 percent inspection. And at every other airport, people come to us first and then they go to Customs and there is a Customs' system for red light, green light. When it happens the way it does at San Francis-

co, that adds to procedure problems, I guess, but we know of no conflict or any strain between Customs and Immigration.

Ms. PELOSI. What I would like to do in the interest of time is to send you something more specific. It may not be your fault. All we want to do is get people through there quickly. We do have this long wait there, and part of it is because of immigration.

The 29 inspectors will be very welcome.

Mr. McNARY. We would be glad to receive it and get back to you.

CHINESE NATIONALS IN THE UNITED STATES

Ms. PELOSI. Moving to another subject in which I have had a great deal of interest—Chinese nationals in the United States.

Do you have any information about executive order 12711, the President's executive order regarding Chinese nationals in the United States?

Specifically, Mr. Commissioner, have you done any outreach on it towards implementation and any publications in Chinese regarding the executive order?

If you don't have that information now you can get it to me for the record.

Mr. McNARY. We have had outreach. I have met with Chinese leaders and I think that we have done an excellent job in making sure that the Chinese community was aware of the benefits that were being extended by the President, and making sure that no Chinese national was put in any jeopardy. The feedback I get is they are very pleased with the way it has been handled.

Ms. PELOSI. Did you have any publications in Chinese available following that executive order?

Mr. McNARY. We worked with voluntary agencies and working through them to make sure that communications were clear to all Chinese.

Ms. PELOSI. One other problem we have had is with travel documents for Chinese students and Chinese nationals, especially those whose passports were held by the Chinese government. Do you have any information or have you done any surveys to determine how many of the 40,000 potentially eligible Chinese students availed themselves of the protection?

Mr. McNARY. No, I don't have that. I know 86,000 have applied, but you are asking specifically how many availed themselves of the right to leave the country.

Ms. PELOSI. Right. That, and also for adjustment of status for the record.

Mr. McNARY. There were 3,934 adjustments of status.

PHILIPPINOS WHO SERVED U.S. FORCES IN W.W. II APPLYING FOR CITIZENSHIP

Ms. PELOSI. Thank you. The Immigration Act of 1990, as you know, allowed Philipinos who served in U.S. forces in World War II to apply for U.S. citizenship. Many of those eligible are still in the Philippines and are unable to come to the U.S. to apply for citizenship.

The law establishes two years in which veterans can apply. Is there any possibility that they could apply at the U.S. embassy in Manila? Is there any consideration at INS about that?

Mr. McNARY. There was consideration and we looked at the legislative intent and it was clear that that would not be allowed. As a matter of fact, everybody apparently under the law has to come to this country to be naturalized. We have established it so they can mail in their application to the processing center in Lincoln, Nebraska.

Ms. PELOSI. They can mail it from the Philippines?

Mr. McNARY. Yes.

FAMILY UNITY ELIGIBILITY REQUIREMENTS

Ms. PELOSI. Okay. Thank you for that information.

Briefly on the eligibility requirements for family unity in Section 301 of the Immigration Act, won't early implementation of these requirements eliminate confusion to the applicant community, eliminate time adjudicating applications and eliminate hardship for children and spouses?

I wonder what the possibility would be of the early implementation of the eligibility requirements.

Mr. McNARY. We have done family fairness for about a year.

Ms. PELOSI. This is the new one.

Mr. McNARY. I know. We are looking to do an early implementation.

Ms. PELOSI. Do you have any idea when that might be?

Mr. McNARY. No.

ASSIGNMENTS OF DEPUTY COMMISSIONER

Ms. PELOSI. Okay. Regarding personnel, you have a new deputy director who is hispanic and some people in our community have been concerned that his duties have been reduced from those of his predecessor. I wonder if that was so, and could you comment on that?

Mr. McNARY. I don't think that is true. He is my deputy. What is true is he had experience in refugee, asylum and parole, and that along with outreach I have assigned to him, so that he has been responsible, for these areas which are a major part of his workload.

Ms. PELOSI. So he is focusing on the areas of his expertise?

Mr. McNARY. And areas that are vitally important. We have a new asylum regulation. We are determined to do a good job implementing them. It is going to involve seven cities and new asylum adjudicators that are in Artesia right now going through an extensive training.

We are going to be up and running April 1st, have a documentation center, and all of that is under his domain. So it is not as though he has been asleep at the switch.

Ms. PELOSI. I am not saying that is the case at all. We didn't know if his responsibilities were less than the person whose position he filled.

Mr. McNARY. They are not less, but he has a more specific target.

TEMPORARY PROTECTED STATUS FEES

Ms. PELOSI. You were very generous with your time to talk to me about temporary protected status the other day. I appreciate that very much. Is anything new in that regard in terms of the fees?

Mr. McNARY. No. We have worked at it for a long time and have met with the various voluntary agencies and the communities affected, and so a last minute change or your thoughtful analysis is something I can't speak to. I would have to go back and consider it and make sure our objectives are the same.

We would like to see as many people avail themselves of it as possible, but at the same time congressional mandate is clear, it has to be a self-supporting program. So I think that we believe that we have done as well as we can in setting forth these fees.

We have gone back and scrubbed them several times and reduced them substantially. Whether we can reduce them any further or whether your proposal is a reduction, we need to take a close look at it.

Ms. PELOSI. In the meantime you are going to proceed with publishing your fee. Is that April 1st?

Mr. McNARY. TPS is—would be published this month—you are talking about TPS?

Ms. PELOSI. Right.

Mr. McNARY. It will be published this month. It is not at OMB.

APPLICATION OF FEES IN HUMANITARIAN SITUATIONS

Ms. PELOSI. If I may, Mr. Commissioner, we can brief with this. I would like to have some of this information on the record and then I won't have to submit these questions to you about TPS. Do we charge application fees for other humanitarian immigration programs?

Mr. McNARY. Well, we do really. In my judgment we do any time there is a fee; however, we don't in refugee and asylum cases. That has been funded from the examination fee account. There is a case where the overall fund carries refugee and asylum toward the end that those people are not denied access.

By and large most of the programs carry employment authorization documents. They pay for that and that puts them in a position to pay the fees.

Ms. PELOSI. How much do they pay for that?

Mr. McNARY. Presently, it is \$35 dollars. Under the new examination fee regulations that are being submitted, it would go to \$60.

Ms. PELOSI. Is that the fee charge for normal visa applications, employment-sponsored immigrant visas?

Mr. McNARY. That is for everyone who applies on a temporary basis.

Ms. PELOSI. The \$50 was mandated by Congress, right?

Mr. McNARY. Yes, for the general TPS.

Ms. PELOSI. We discussed that perhaps we can raise it for everybody else. You were generous with your time and responded to me with that. And for the record, I don't need that information right now.

In our conversation, we discussed that less than 30,000 Salvadorans have applied for TPS to date. The eligible population has been

estimated at over 500,000. I understand the INS assumed there would be about 200,000 to 250,000. Is this correct information about your estimate?

Mr. McNARY. We estimate 150,000 and we are up to—it is about 4,000 applications a week, so we are probably over 30,000, 30,169. That is close.

FEE LEVEL IMPACT ON NUMBER OF APPLICATIONS

Ms. PELOSI. Very precise.

Do you think that the level of fees has had any impact on the fact that more people have not applied?

Mr. McNARY. That is a good question. It may have an impact. I am sure there are lawyers and voluntary agencies saying the fees are going to go down; why don't you wait. There are also some who may have decided to go the ABC route and not apply for TPS.

Ms. PELOSI. Are you doing anything to increase the turnout? I believe you mentioned something about computerizing—that enabled you to move more cost-effectively.

Mr. McNARY. We have gone to the voluntary agencies and we think they have done a pretty good job. We just did a video to as an outreach technique. It is going out to all Spanish-speaking television stations.

Ms. PELOSI. That is great, because these are very frightened people who need that kind of encouragement to come forward. I am pleased to hear you say that.

Mr. McNARY. You might be interested. The people who did the tape actually got cards.

APPLICATION FEE RESOLUTION

Ms. PELOSI. That is great. Good for them. These people think they will end with a card or end up deported, so they are afraid to come forward.

We talked about your discussion with Congressman Moakley. What is the status of the reduction in fees that you indicated to Congressman Moakley that INS would soon announce?

Mr. McNARY. That is a part of the regulation package.

Ms. PELOSI. That is the \$230 you talked about.

Mr. McNARY. \$225. The family cap is \$225.

Ms. PELOSI. Does that include the work authorization?

Mr. McNARY. No.

Ms. PELOSI. That is additional. Another \$60?

Mr. McNARY. They would pay \$225, plus \$70.

Ms. PELOSI. What is the \$70? Work authorization?

Mr. McNARY. Work authorization for two people for the first registration.

Ms. PELOSI. Then the second registration?

Mr. McNARY. With the second registration there is no registration fee, but the work permit goes up to \$60 so that would be \$120. And, then the same for the third registration, a total of \$120.

Ms. PELOSI. For a couple?

Mr. McNARY. It would be \$535 for a couple.

Ms. PELOSI. Well, as you indicated, for those who are working, there is a little less concern than for those who are just applying

first off. Hopefully, we will be able to help you out at this end, especially if you have any reading that could be helpful to us that the high price could be a deterrent to those who are applying.

Mr. McNARY. You suggested \$110 for a family of four. I have given you a family of four with only two working people. If we charged four people \$110 that would be \$440. Then a registration, I guess, would be \$440. You won't charge them for a second registration. You would just have one time \$440 as the total cost compared to the \$535?

Ms. PELOSI. Let me see what that means in terms of the children involved.

Mr. McNARY. As I mentioned to you, the work permit is a part of the overall examination fee package. It needs to be standard for everyone rather than some kind of a discount. It needs to be \$60. If you put that on top of \$110—I don't know. I think we need to discuss these figures.

Ms. PELOSI. Okay. I appreciate what you are presenting here today. It is the initial \$225 that is the obstacle because not everyone will be applying for a work permit. We are not worrying so much about those who are applying for a work permit because they will be working and should have more money.

Mr. McNARY. Your plan would have charged those the same amount, I guess, even if they didn't want a work permit.

DIFFERENTIAL FEES ON NATIONALITY BASIS

Ms. PELOSI. You are starting at a much lower base. In any case I appreciate your answer. Perhaps there is a way that Congress, can be helpful to you in evening out the fees, rather than having some Kuwaitis and Lebanese at \$50 and a much higher fee for Salvadorans.

Maybe it is not possible. I think perhaps it is worth pursuing.

Mr. McNARY. I think it is not possible, but I am very willing to talk about it.

Ms. PELOSI. I appreciate your comment. I want you to know there is a ground swell for TPS for Guatemalans. I see some concern in the ranks there, but that would require an act of Congress.

Mr. McNARY. There are low numbers for Kuwaitis, Lebanese and Liberians. Those are relatively small numbers. To trade off a higher fee on them for significantly lower fees on the Salvadorans, the numbers won't match up.

Ms. PELOSI. I thought it would be the reverse. Since there and so many Salvadorans, there would be so much more money coming in, it would help offset.

Mr. McNARY. Your view is we would charge Salvadorans more?

Ms. PELOSI. No, we try to charge everybody the same.

Mr. McNARY. If you have 200,000 or 150,000 El Salvadorans and you are losing something on each one, then you don't come out even, if you charge more on 5,000 Lebanese and 5,000 Kuwaitis—

Ms. PELOSI. That is why I kept pinning it to the question of whether people not signing up because of the money. If many more people would sign up your base cost would be farmed out over—

Mr. McNARY. If we are losing on our base cost, the more people who sign up, the more money we lose.

Ms. PELOSI. I hear what you are saying. You are very clear on it and I appreciate that.

I also appreciate your time at this hour of the day. I will probably be back in touch on some of these. I appreciate your candor and your answers on these questions.

Thank you very much for your testimony.

[Questions submitted for the record and answers thereto, follow:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Immigration and Naturalization Service

Legalization Program

QUESTION: Is it true that the legalization program has been extended by judicial order, and is the Department appealing this decision?

ANSWER: There are two major cases that require the Service to accept legalization applications after the statutory application closing date. These cases are Catholic Social Services v. INS (CSS) and LULAC v. Thornburgh (LULAC). Both cases are pending appeal in the Ninth Circuit Court of Appeals.

QUESTION: Do you have any estimates of what impact this will have on your agency?

ANSWER: The Legalization Program currently has 21 offices still open. The original plan was to phase out all offices by September 30, 1991. The phaseout has been slowed by the litigation and it is unknown if this date can still be realized.

Depending upon the outcome of the litigation, the Service may have to continue the legalization program. Some of the existing offices may have to remain open, with extensions of personnel. Equipment may be needed to replace worn out and transferred equipment. Additional forms may need to be printed.

QUESTION: Will any costs incurred as a result of these additional cases be covered by additional collections from filing fees?

ANSWER: At the present time, the Service can only collect fees in the LULAC lawsuit. This is the smaller of the two cases. If the Service is eventually required to process applications on these cases, an application fee of \$185 would be collected on each application. Although it is impossible to estimate the number of applications that could eventually be received, the Service has already accepted over 92,000 Catholic Social Services (CSS) applications and over 15,000 LULAC applications. Collection of fees on the CSS case would provide a source of funding to process applications.

QUESTION: Your 1991 estimates assume that you will carryover \$9,664,000 into 1992. Is this still accurate?

ANSWER: The estimate has been revised. The new projection is that approximately \$14,000,000 will carryover into 1992. This is due to a lower rate of spending in 1991 as well as receipts stemming from charges for replacement of cards and from charges related to appeals filed by applicants who were denied status.

QUESTION: Your 1992 estimates assume the processing of applications for permanent resident status for aliens currently in the legalization program will be completed in 1992. Will the \$7,982,000 in unobligated balances in 1992 be surplus to your requirements?

ANSWER: At the present time, INS anticipates that the legalization program, will be essentially complete in 1992. Due to unresolved litigation, however, it is possible that the program could be extended beyond 1992.

In addition, because of these unresolved cases, the legalization program is presently experiencing an increased level of activity in the legalization offices that is expected to continue into 1992. This increased activity has forced the Service to retain offices and computer systems support longer than originally planned. It is projected that costs will increase in 1992. A reprogramming request will be submitted to address these unanticipated costs.

If the program is actually terminated in 1992, it is anticipated that the appeal process will continue for several years following the termination of the program. Residual fees will be used to fund necessary positions to continue the appeals processing activity. When all appeals have been processed, any funds remaining will then be surplus.

Airport Inspections

QUESTION: As a result of last year's legislation removing the exemption for fee collections from Canada, Mexico and the Caribbean, it was assumed that there would be staffing increases in excess of 400 inspectors to relieve passenger delays. The total authorized level of inspectors for 1991 was to be over 1,800. The Committee understands that not only have you not brought on the additional new positions, but current vacancies place you over 600 inspectors below your authorized levels. Is this true, and can you explain why?

ANSWER: The total authorized level of inspectors for 1991 is 1,915. In total, current vacancies number approximately 580. Although INS had plans to hire to the authorized level, the decrease in international air travel precipitated by the Gulf War forced INS to delay new hiring. With the resolution of the Gulf War, INS has resumed its hiring plans and expects to have 1,835 inspectors on board by the end of the year. Furthermore, the hiring process for an Immigration Inspector is lengthy. Once a selection is made for a vacant position, a background investigation must be conducted, as well as a medical examination. The training program is lengthy and also requires learning a foreign language. Retention of trained officers is also difficult because the journeyman inspector grade is lower than that of other federal officers doing comparable work, and law enforcement/hazardous duty benefits are not paid.

QUESTION: When do you plan to, first, begin filling the 200

vacancies and, second, bring on the authorized increase in inspectors?

ANSWER: Continuous recruitment efforts are in place and existing vacancies are in the process of being filled. The authorized increase for 1991 has been allocated. By September 30, we expect to have 1,835 inspector positions filled.

QUESTION: What were your estimates of collections when the 1991 appropriations bill was passed, and what are your current estimates?

ANSWER: When the 1991 appropriations bill was passed, our 1991 fee collection estimate was \$163,850,000. However, due to the conflict in the Middle East and the overall weakness in the U.S. economy, international travel decreased. As a consequence, we had to revise our 1991 fee estimate. Our current 1991 fee collection estimate is \$145,329,000. In addition, it is estimated that \$7.7 million in fines will be collected in 1991.

QUESTION: The Committee understands that, with the current lessening of tensions in the Mideast and the high volume summer months fast approaching, the airline industry projects international arrivals will soon equal or exceed last year's levels. Isn't it critical that these additional inspectors be brought on board?

ANSWER: It is necessary that additional inspectors be brought on board and steps are being taken to do this. At this time, all available resources have been committed to filling existing vacancies and training them to meet the expected summer peak season.

QUESTION: The INS has a requirement to clear all passengers arriving in U.S. airports within 45 minutes. The Committee has heard disturbing reports that the INS has been achieving this requirement by requiring airlines to hold passengers on board aircraft for up to an hour after landing. Is this true?

ANSWER: INS does not make the decision to hold passengers on board an aircraft. This decision, based on facility constraints beyond the control of INS, is made at the discretion of the local airport authorities, and is compounded by the peaking effect caused by multiple flight arrivals within a short period of time.

QUESTION: An advisory committee was created to assist in determining the level of user fees to be charged and how the receipts were to be spent. How often is this committee supposed to meet, and how many times has it met since the fee was enacted?

ANSWER: The advisory committee is to meet on a periodic basis only, not a specific number of times. This committee has met five times since the fee was enacted, most recently on March 5, 1991.

QUESTION: Does the INS consult with the airports and airlines on a regular basis over the proper allocation of inspector positions?

ANSWER: The Inspection Federal User Fee - Federal Advisory Committee, chaired by INS, and composed of various airline, airport and cruise line managers, meets twice yearly. The purpose of these meetings includes, but is not limited to, discussing the proper allocation of inspectional personnel. The current staffing model recently developed by INS has been shared with the industry. Future staffing models will be developed with continued industry input.

QUESTION: Does the INS monitor the deposit of fees collected by commercial and air carriers, and are these fees deposited in a timely manner?

ANSWER: Yes, the INS does monitor the deposit of fees collected by commercial sea and air carriers. In 1990 we set up a lockbox arrangement with the First National Bank of Chicago. On our behalf, this institution channels fee deposits into the Immigration User Fee Account set up as a separate account within the Treasury of the United States for this purpose. We receive daily reports on amounts collected, remitted, and deposited and follow-up where necessary. It has been our experience that, except in a very few non-material instances, fees collected by commercial air and sea carriers are deposited in a timely manner.

QUESTION: Does the INS audit these fee collections to reconcile them with the number of applicable passengers entering the United States?

ANSWER: Yes. In addition to on-going desk audits by the Office of the Comptroller at INS headquarters, INS has begun on-site audits of commercial sea and air carriers to reconcile amounts remitted with applicable passengers entering the United States. The most recent audit, conducted as a joint effort with U.S. Customs, was completed March 15, 1991. More are planned for later this year and beyond.

Land Border Inspection Fee

QUESTION: According to your testimony, you plan to test in one location the pilot land border inspection fee authorized last year. Can you provide us the details of this pilot project?

ANSWER: The first portion of the authorized pilot project will be the institution of a dedicated commuter lane at the Blaine, Washington/Douglas, British Columbia, border crossing. Frequent border crossers may apply for a vehicle specific sticker to allow the driver/owner and certain pre-approved passengers to transit the border through a dedicated commuter lane. A \$25 per vehicle user fee, to be charged for this expedited service, will be payable annually.

Applications received by the Service will list all persons authorized by the owner/driver to ride in the vehicle. In order to participate in the program, each person so listed must be a citizen of either Canada or the United States and must meet certain restrictions relative to criminal convictions, as well as customs and immigration violations. The accuracy of the information furnished by the applicant will be verified through available enforcement data systems. Persons using the dedicated commuter lane must have no luggage or items in the vehicle that must be declared.

Successful applicants, after signing an agreement to abide by the terms for the use of the dedicated commuter lane, will be issued a sticker, to be placed on the back of the rear view mirror. This sticker will entitle that specific vehicle to utilize the dedicated commuter lane. In addition, a letter listing all persons authorized and approved by the Service for that vehicle is required to remain in the vehicle at all times. Vehicles using the dedicated commuter lane will pass slowly through the lane where an Immigration Inspector or Customs Inspector will complete a quick visual inspection of the occupants and interior of the vehicle.

Spot checks of vehicles will be made on a regular, but random, basis for compliance purposes. Any person violating the conditions and terms for use of the dedicated commuter lane may be subject to severe penalties including revocation of the permit, seizure of the vehicle and/or any unlawful goods, and possible fines and/or prosecution.

Elaine anticipates approximately 20,000 users of the dedicated commuter lane. It is projected that the number of daily crossers from this group will approach 12 to 15 percent of daily traffic. By channelling this low-risk group through a special lane, the inspection of remaining traffic will also be speeded.

QUESTION: Why are you limiting yourself to one project at one location since the authorization allows for more than one?

ANSWER: The Service is not limiting itself to only one project. It is our desire to eventually have several different projects on both borders running. However, the unique nature of each port of entry and the communities served offers new opportunities to try different approaches in each location. The initial portion of the pilot project scheduled for Blaine, Washington, will use a low-tech approach. Other locations under consideration may offer greater opportunities to experiment with alternate methods for user fee collection, vehicle identification, and adjudication of applications.

Each project will be initiated separately in order for the Service to be able to evaluate the results of all previous, as well as any ongoing tests, and thereby profit from any lessons learned in their implementation and day to day administration. The regulation that is being formulated

addresses the institution of multiple pilot projects as authorized under Public Law 101-909 and does not specifically mention any location by name or geographic area.

QUESTION: Were you prevented from initiating any other proposals in 1992? If so, identify the proposal, where you wanted to place it, and why you were unable to do so?

ANSWER: No. Public Law 101-909 authorizes the pilot project through September 30, 1993. Based on the results of the initial program in Blaine, Washington, and others that may follow, the Service will continue to test new variations of the land border user fee, in additional locations not yet selected, as a part of the pilot project during 1992.

QUESTION: You plan to collect \$1.9 million in receipts for this pilot project in 1992. How did you derive this estimate?

ANSWER: This is strictly an estimate which was developed well in advance of the detailed planning for the pilot project. However, it is noted that using a \$25.00 annual fee for commuter lane type projects, the estimated receipts would be obtained from the participation of 79,600 vehicles. This is an achievable level of participation.

QUESTION: What specific expenses are planned from these receipts, and does this include facility improvements?

ANSWER: The receipts will be used for personnel costs, a limited amount of equipment, costs related to the production of printed materials and window stickers, signs marking commuter lanes, and limited costs related to informing the public regarding the availability of the commuter lane option. This does not include major facility improvements.

FY 1992 Program Increases

QUESTION: Please explain the need for the establishment of a National Enforcement Operations Center? What shortcomings were noted in your enforcement efforts and how will they be improved?

ANSWER: The establishment of a National Enforcement Operations Support Center is a critical element to the successful implementation of an overall INS criminal alien strategy. The following factors have influenced the decision to establish such a capability.

Amendments to the Immigration and Nationality Act, as a part of the Immigration Reform and Control Act of 1986, and the Anti-Drug Abuse Acts (ADAA) of 1986 and 1988 direct the Service to:

- . expeditiously act against aliens convicted of any deportable offense;
- . improve INS's ability to respond to Federal, State, and

local law enforcement authorities concerning aliens arrested for, convicted of, or who are the subject of investigations related to controlled substance violations;

- . make INS investigative resources available to Federal, State, and local authorities to determine the alienage of individuals arrested for aggravated felonies; and,
- . expedite deportation proceedings for aliens convicted of aggravated felonies.

The center will provide a central point of contact, available 24 hours per day for Federal, State and local criminal justice agencies needing information on aliens who have been arrested for, or convicted of, or who are the subject of a criminal investigation is essential.

The Center would also provide timely information and logistical support to INS field operations, and have the operational capability to support INS field offices where routine data communications resources are unavailable (e.g. task force or emergencies).

QUESTION: Is this the total cost of this Center, or just start up costs? What is the estimated cost for 1993?

ANSWER: The costs identified in the 1992 budget include personnel and benefits costs, training, travel, equipment, contractual charges, and communications. Start-up costs are primarily in the areas of equipment and contractual charges for background investigations of new personnel. Estimated full-year operational costs for 1993 would be approximately \$3.1 million.

QUESTION: You request 150 additional investigators to replace border patrol agents at interior locations. What is the total number of agents to be replaced and when?

ANSWER: The INS has submitted its proposal to replace 180 Border Patrol agent positions located in non-border areas with 150 investigators to the Department of Justice for approval. Implementation of phase I of this proposal is scheduled for 1992.

QUESTION: Does this mean that Border Patrol agents will no longer be performing investigative or employer sanction duties?

ANSWER: The Border Patrol is empowered to apply the full range of INS enforcement options within its specific geographic and functional area of responsibility, including performing investigative and employer sanctions duties.

QUESTION: Explain the need for the requested increase of \$9,178,000 for additional alien travel, detention and welfare funds, and the \$11,099,000 requested for staffing of INS Service Processing Centers. Is this required for new

facilities or existing ones?

ANSWER: In 1992, an additional 755 beds are scheduled to come on-line. The additional alien travel, detention and welfare (ATD&W) funds will provide for detention costs and maintenance, travel (foreign and domestic), contract guards, private and public hospitalization, trash and laundry contracts, and miscellaneous items.

The increased ATD&W funding will allow the Detention and Deportation program to adequately support the Border Patrol and Investigations programs. Without additional funds, it will not be possible to maintain a correct balance between the apprehension and removal steps of the enforcement process. Statistics and experience indicate that the majority of aliens who are released from custody on bond or recognizance are not expelled because they subsequently abscond. Apprehending and then releasing an illegal alien who is likely to abscond, because of inadequate resources to detain, does not present a strong deterrent to illegal entries. In addition, the increased ATD&W funding will facilitate the removal process. It is not cost-efficient or cost-effective to increase detention capability without a concurrent increase in funding for the removal process.

In 1992, an increase of 278 positions, 139 workyears, and \$11,099,000 is requested for staffing at Service Processing Centers (SPC's). The positions are proposed to be distributed to the following SPC's:

<u>LOCATION</u>	<u>POSITIONS</u>
Boston, MA	25
New York, NY	12
Aguadilla, PR	30
Krome, FL	43
Florence, AZ	84
San Pedro, CA	34
Oakdale II, LA	50

In January 1991, the General Accounting Office reported to the Congress that inadequate levels of staffing have caused serious problems at several INS facilities. Proper and adequate INS staffing with supervisory personnel, detention officers, deportation officers, docket clerks, cooks, medical personnel, maintenance workers, mechanics, and transportation officers is required at all SPC's. Contract facilities require INS staff to provide transportation to and from the site, and deportation teams to maintain the docket, schedule hearings and post bonds. Sufficient staff is required to ultimately remove aliens to their homelands upon completion of the deportation process. Within each SPC, there are key post positions which must be covered on a 24-hour basis, seven days a week to provide adequate detention capability. Not all the SPC's are designed the same, so some facilities may require more posts to provide coverage even though the rated capacity is lower.

With the increase in positions, INS will be able to reduce the need for the excessive amount of overtime used to run SPC's, improve the well-being and morale of the staff, and most importantly, improve the safety of the facilities and reduce the likelihood of violent incidents.

QUESTION: The Committee has heard reports of INS detention facilities being under-utilized. Is this true? For the record, for 1989 and 1990, provide the average daily bed space available, and the actual average daily level utilized?

ANSWER: During 1989, the Service's SPC's had a daily emergency capacity of 2,695 beds and a rated capacity of 2,169. A total of 1,234,073 detention days were used at the SPC's, which equates to an average daily population of 3,381. The overall daily population for the year was greater than the emergency capacity due to the influx of Central American aliens in South Texas.

In 1990, 1,034,947 detention days were used at the SPC's, equating to an average daily population of 2,835. Daily emergency capacity and rated capacity in 1990 were 2,894 and 2,404, respectively.

While overall daily population for both 1989 and 1990 exceeded rated capacity, in 1989, the Varick Street (New York City) SPC's rated capacity was reduced from 224 to 140 due to construction and renovation activities, and in 1990, the Florence, Arizona SPC was under-used due to a guard contract not being in place to supplement on-board personnel.

QUESTION: Will the amounts requested for 1992 allow you to fully utilize available detention space?

ANSWER: The requested funds for 1992 will allow the Service to fully utilize its SPC's at their rated capacity and provide 1,082,292 detention days.

QUESTION: Please explain the contract detention proposal for which you request an additional \$16 million.

ANSWER: The joint INS/Bureau of Prisons (BOP) contract facility to be located near San Diego will strengthen INS's continuing efforts to concentrate criminal aliens in order to expedite their removal. The BOP will use its 500 beds to centralize the criminal aliens serving Federal sentences, who represent over 20 percent of their total prisoner population. The Service will use its 500 beds to centralize criminal aliens who have been serving state/local sentences.

QUESTION: If this is to be a contract facility, why do you require 50 INS employees?

ANSWER: These 50 positions will be used for those immigration support functions that cannot be performed by contract personnel. These duties include transportation of aliens to and from the facility and transportation for deportation. Deportation officer positions and docket clerk will be needed

at the facility to maintain deportation docket processing and other personnel will be required to perform administrative duties.

QUESTION: How do costs for this contract facility compare to costs at your INS facilities?

ANSWER: INS utilizes 773 detention contract beds at the following locations: Houston (150), Laredo (175), Denver (150), Los Angeles (200), Seattle (68), and El Centro (30). The average daily cost of these beds is \$67.50. The INS/BOP contract facility, to be located in Southern California, will have an estimated average daily cost of \$65.97. The cost of this facility is in line with the other contract facilities.

Alien Detention

QUESTION: The Committee has learned that the lack of INS detention facilities has resulted in thousands of illegal aliens, including criminal aliens being released on bond pending immigration hearings. What is INS doing to address the problem of lack of detention space?

ANSWER: In 1991, two new Service Processing Centers (SPC's) will come on line: the San Pedro, California SPC (400 beds), and the Aguadilla, Puerto Rico SPC (44 beds). The San Pedro SPC became operational on February 22, 1991. The Aguadilla SPC is scheduled to become operational in the third quarter of the fiscal year. With the addition of these two facilities, the Detention and Deportation program will be responsible for nine SPC's. Detention capabilities will have increased to 2,848 beds at the rated capacities. Contract facilities will increase to 950 beds. In addition, a 1,000 bed joint BOP/INS contract facility is planned for the San Diego area. Also, funding from the Assets Forfeiture Fund will provide an additional 575 beds at the Florence, Arizona, El Centro, California, and El Paso, Texas SPC's in 1993.

QUESTION: How many illegal criminal aliens were released on bond from INS custody in 1988, 1989, and 1990 due to lack of detention space?

ANSWER: It is INS's detention policy not to release aggravated felons from custody due to lack of detention space. The Service has always prioritized use of detention space so as to effectively carry out its mandate and comply with statutory requirements.

Previously, the INS statistical system did not collect data on the number of illegal criminal aliens released on bond. During 1990, the Detention and Deportation program revised its statistical procedures so that data identifying criminal aliens released on bond could be captured. We expect to have this information available in the near future.

QUESTION: How many excludable aliens were not detained in 1988, 1989, and 1990 due to lack of detention space?

ANSWER: The Service has always prioritized use of detention space so as to effectively carry out its mandate and comply with statutory requirements. The Service's detention policy sets forth detention of criminal aliens, especially aggravated felons, as the number one priority. The second of six detention priority levels is exclusion cases, although the policy spells out that flexibility must be exercised so that detention needs within each priority can be accommodated to some degree.

Our statistical reporting system was not designed to capture the requested data. During 1990, the Detention and Deportation program revised its statistical system to capture this data. At this time, we are unable to provide annual data for the three years in question.

QUESTION: What is the INS policy concerning the release of illegal criminal aliens due to lack of detention space? When was the policy issued?

ANSWER: The Immigration Act of 1990 mandates compulsory INS detention for all aggravated felons who are not lawful permanent resident aliens, pending a final determination of deportability. Criminal alien cases take priority in terms of usage of detention space.

Criminal aliens not convicted as an aggravated felon and who are taken into custody by the INS may, pending a final determination of deportability, be held in custody, released under bond or order of recognizance, or paroled.

The most recent reiteration of the policy regarding prioritized use of detention space was issued on February 4, 1991.

QUESTION: What effect does the lack of detention space have on INS's enforcement mission?

ANSWER: The Service must attempt to maintain a correct balance between the apprehension and removal steps of the enforcement process. Studies and experience indicate that the majority of aliens who are released from custody on bond or recognizance are not expelled because they subsequently abscond. Apprehending and then releasing an illegal alien who is likely to abscond, because of inadequate resources to detain, does not present a strong deterrent to illegal entries. Increased alien travel, detention, and welfare funding will facilitate the removal process. It is not cost-efficient or cost-effective to increase detention capability without a concurrent increase in funding for the removal process. Without adequate travel funds, detention costs increase because of the added days of detention used by aliens awaiting removal.

QUESTION: Is the security level of the available detention space adequate to hold the types of criminals being detained?

ANSWER: The security level is adequate at Oakdale II, the

San Pedro, California SPC and the Florence, Arizona SPC. At all other INS facilities, modifications and renovations have been made to provide more security to the existing barracks or dormitories. However, these facilities are not secure enough to be used for large groups of criminal aliens for long periods of time. INS is in the planning phase for a secure dormitory to be built at the Krome SPC in Miami, Florida.

Alien Bonds

QUESTION: How many illegal aliens failed to appear for scheduled immigration hearings in 1988, 1989, and 1990?

ANSWER: The management responsibility of all immigration hearings is within the jurisdiction of the Executive Office of Immigration Review (EOIR). INS has no way of knowing the number of illegal aliens who do not appear for specific scheduled hearings or the number of scheduled hearings where any individual is absent throughout the individual case history of the proceeding unless we are so informed by EOIR.

When INS is informed by EOIR that a person has failed to appear for a hearing, an effort is made to have that person report voluntarily. If the efforts are not successful, that file is referred to INS's Investigation's Division to locate the individual. This is known as the "to locate" docket.

The Detention and Deportation program's reporting mechanism does not separate these cases as to the reason for the need to locate. In addition to persons who have failed to appear for hearings, this mechanism includes persons who: have failed to report for deportation, failed to depart based on a judge's order, or failed to prosecute an application for a benefit.

For 1988, 1989, and 1990 statistics for the "to locate" docket were as follows:

<u>Fiscal Year</u>	<u>Start of Year (October 1)</u>	<u>End of Year (September 30)</u>
1988	56,142	53,337
1989	53,337	53,689
1990	53,689	59,559

QUESTION: What is INS doing about the illegal aliens who fail to appear for scheduled immigration hearings?

ANSWER: When INS is informed by EOIR that a person has failed to appear for a hearing, an effort is made to have him or her report voluntarily. Demands are made upon the obligor of the delivery bond if necessary to surrender the alien or give the current location so the proceedings can be reopened, or the bond is breached. If these efforts are not successful, that file is referred to INS's Investigations Division to locate the person.

QUESTION: What procedures are used by INS to collect bonds that have been breached?

ANSWER: If the delivery bond is paid in cash by the obligor, those funds are immediately forwarded to a General Treasury account for safeguarding in the obligor's name. Once that bond is breached, the funds are transferred to the government.

INS is encountering problems relating to delivery bonds posted through surety companies. Numerous legal proceedings and bankruptcy settlements have been entered into with these companies after administrative breach proceedings have proven unsuccessful.

QUESTION: What is the number of breached bonds and their face value currently outstanding in INS?

ANSWER: INS was criticized by GAO for the inadequate and/or lack of data on debts owed the government. Steps are being taken to implement appropriate systems to gather the data and bring records to date. This has not been completed. As of March 21, 1991, there were 5,605 outstanding breached surety bonds totaling \$16,497,677 recorded.

QUESTION: What problems exist in the bond collection process?

ANSWER: INS has had problems being able to produce documents to support litigation. Based on past experience, both bail bondsmen and the insurance companies that they represent, know that this is a problem and have delayed or refused to pay until legal settlements favorable to the sureties have been instituted. In other instances, the insurance agents and their sureties writing INS delivery bonds, though approved by Treasury, have been financially unstable and have declared bankruptcy before paying amounts owed INS. Delays between the date the alien was released from custody and the date that the alien has exhausted all appeal rights have contributed to problems in locating alien files. The release of aliens from custody without a trial date, the failure of aliens to provide change of address information and the failure of the Service in some instances to file change of address information from aliens have, in some instances, made Immigration Judges reluctant to try aliens in absentia, causing additional burdens on the Service and delays in breaching the bond. This further increases the chances that some or all of paperwork necessary to support the breach will be misplaced or not executed properly.

Personnel Funding

QUESTION: The Committee understands that in 1990, a decision was made to centralize the control of regional personnel services and benefits. As a part of this new policy, we understand that any unused funds over \$50,000 in personnel services (lapse money) at the end of each fiscal quarter automatically revert to fund the Commissioner's "unfunded

priorities." How much lapse money has reverted to fund the Commissioner's unfunded priorities?

ANSWER: In 1990, \$11,175,500 in lapsed personnel services and benefits funds in the direct appropriation were used to fund the Commissioner's unfunded priorities.

QUESTION: What are the Commissioner's unfunded priorities?

ANSWER: In 1991, the Commissioner's unfunded priorities for the first quarter of the fiscal year include: journeyman officer training related to the Immigration Act of 1990, general expense funds for the Legal Proceedings program, and attorneys fees in the American Baptist Churches case.

QUESTION: How was the lapse money spent for fiscal years 1990 and 1991 to date?

ANSWER: In 1990, the majority of the lapse funds were directed towards unfunded priorities in: the Detention and Deportation program (Mariel Cubans funding shortfall, Family Shelters and juvenile facilities in South Texas); start-up costs associated with the Asylum Officer Corps; the ADP information architecture study; the Employer Sanctions program anti-discrimination campaign; and the purchase of replacement vehicles.

In 1991 to date, lapse funds have been identified for use in providing journeyman officer training related to the 1990 Immigration Act; attorney fees in the American Baptist Churches case; and general expense funds for the Legal Proceedings program.

QUESTION: What were the consequences to a region and its Commissioner if they spent more than they were authorized in a quarter?

ANSWER: Problem areas were reviewed with appropriate Headquarters and regional personnel to determine causes of deficits and steps were implemented to avoid reoccurrence. In certain cases, disciplinary action was taken as warranted.

Criminal Aliens

QUESTION: Illegal aliens have become increasingly involved in serious criminal activity, not only on the border, but also in the interior of the country. Has INS changed the focus of it Border Patrol, Inspectors, and Investigators to deal with the large number of illegal criminal aliens residing in the United States?

ANSWER: There has been no change by INS of its focus on criminal aliens. The identification and apprehension of criminal aliens has been a high priority of the Service and will continue to be for as long as a significant number of criminal aliens continue to enter and reside in the United States

QUESTION: Do you have a plan to identify, apprehend, detain and deport illegal criminal aliens?

ANSWER: The process of identifying, apprehending, detaining, and removal of criminal aliens is one of the basic enforcement missions of the Service. I have repeatedly identified the removal of criminal aliens as a Service priority. A large portion of our budget request is directly related to supporting this mission. Included in this budget are items to better enable us to identify and process criminal aliens as well as detain them pending the due process procedure.

QUESTION: Have resources been reallocated within INS to meet these challenges? In what way?

ANSWER: Investigations' resources have been allocated among some seventy field locations to meet the competing demands of criminal aliens, employer sanctions and fraud casework. Investigations has begun to develop a resource allocation plan to more accurately assess and quantify the program's workload relative to major new legislative responsibilities since 1988. The completed plan will enable the Investigations program to: more precisely assign and distribute its resources; determine the appropriate mix of its work force (i.e. investigators to investigative assistants) based on the foreseeable workload (i.e. criminal violations vs. administrative violations); establish an empirical basis to justify additional resources; and, configure program resources relative to priorities. -

Vehicle Procurement

QUESTION: During the past four fiscal years, the Congress appropriated several million dollars for INS to purchase new vehicles, which the Committee understands were, for the most part, never procured. How much was appropriated for vehicles, and how many were purchased during fiscal years 1988 through 1991 to date? At what cost?

ANSWER: The following data covers appropriations, obligations and numbers of vehicles purchased.

<u>Year</u>	<u>Appropriated*</u>	<u>Actual Obligations</u>	<u>No. of Vehicles</u>
1988	0	5,102,599	448
1989	0	11,170,233	741
1990	0	6,547,394	466
1991	10,782,000	10,971,357	641

* From 1988 through 1990, there was no money specifically earmarked for vehicle purchases in INS's appropriation. Programs funded vehicle purchases from their operating accounts.

QUESTION: What were funds that were not used for vehicles used for?

ANSWER: Funds that are specifically designated for the purchase of vehicles are used for this purpose.

QUESTION: How many INS vehicles currently exceed the mileage levels identified in the Federal Property Management Regulations, and how does that impact on your mission.

ANSWER: As of February 1991, approximately 45 percent (2700 vehicles) of INS's vehicle fleet is eligible for replacement under the Federal Property Management Regulations (FPMR) standards, based on age and/or mileage. INS engages in activities which require the use of motor vehicles for patrolling the immediate border, traffic checks on highways, transporting detained aliens, undercover surveillance, investigative activities, performing inspections at ports of entry, and providing administrative and logistical support for operational activities. A reliable vehicle fleet is essential to carry out these duties.

The condition of these vehicles has led to increased operational and maintenance costs to continue to provide a safe and reliable vehicle fleet to INS officers. It is a priority of the Service to ensure that the lives of its officers are not placed at risk.

San Pedro Detention Center

QUESTION: The Committee understands that the San Pedro, California, detention center, which was recently renovated at a cost of \$14 million, requires additional work to correct deficiencies. How much is INS going to have to spend to correct deficiencies in the San Pedro Detention Center?

ANSWER: INS will have to spend \$205,000 for the modifications to the courtroom area in order to meet the latest requirements of the Executive Office of Immigration Review (EOIR).

QUESTION: Why were the deficiencies not found and corrected during construction?

ANSWER: These modifications were necessitated by changes in the basic requirements of the EOIR. These changes became known to INS after the construction work was basically completed.

In the beginning of the project, there was an understanding between EOIR and INS that the judge would be at the facility only on a part-time basis. Accordingly, the EOIR space was designed to meet that requirement.

However, about six months ago (when the project was 95 percent complete), the EOIR visited the project site and reviewed the courtroom area and determined that the workload would require two full-time judges instead of one part-time judge originally believed to be adequate.

The new direction caused the existing plans, as executed, to

be substantially modified. The timing of the change resulted in significant work on the site to modify the courtroom area.

QUESTION: What will be the source of funds to correct the deficiencies?

ANSWER: Renovation and repair funds available in the Construction and Engineering program of the Salaries and Expenses Appropriation will be used to correct these deficiencies.

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

Immigration and Naturalization Service

Interagency Border Inspection System

QUESTION: What is the current status of the Interagency Border Inspection System (machine-readable visa program)?

ANSWER: The machine readable visa program is one aspect of the Interagency Border Inspection System (IBIS), which provides automation at ports of entry. These readers are capable of reading machine readable passports, visas, old and new I-551 Resident Alien and I-586 Mexican border crossing cards.

All sites with full IBIS implementation have machine document readers on primary lanes. Machine document readers are being included as part of the workstation configuration for all future IBIS installations.

At the end of 1990, nineteen IBIS sites were completed (eighteen airports and one land border prototype). At the end of 1991, it is estimated that IBIS sites will cover approximately 85 percent of all commercial airport traffic, and all of the large airports.

QUESTION: Is the program still on schedule?

ANSWER: IBIS is proceeding well and on schedule. 1992 will be the 4th year of the project, initiated in 1989.

QUESTION: If there are delays, what is the problem?

ANSWER: As reported in the IBIS Steering Committee meeting October 1990, the Department of State fully supports the machine readable visa program, however, they have suffered monetary setbacks which have impeded their ability to expand to new issuance posts. The Department of State, Bureau of Consular Affairs may wish to respond regarding their specific expansion plans.

QUESTION: How many ports of entry now have a machine readable program?

ANSWER: Currently there are over 1,100 "machine readable document" readers installed at INS and Customs facilities at 56 ports-of-entry. The new IBIS architecture is currently fully installed at 22 sites (21 airport and 1 land border prototype).

QUESTION: How many remain to be completed?

ANSWER: INS and Customs have identified a total of 250 sites, most of them small locations, including airports, land border ports and seaports, which do not have IBIS capability.

QUESTION: Last year, INS indicated that it was still in the

development stage with respect to land and sea ports-of-entry, due to the technology, I believe. Will you bring us up to date with respect to your activities in this area?

ANSWER: Land border and sea ports-of-entry are operationally different from airports, and have required more analysis of how IBIS should be effectively used.

Currently the inspection programs of both Customs and INS are developing a functional plan for operations at land ports, including the tactical placement and utilization of the proposed equipment. At the present time there are 33 land border sites on the Northern border using IBIS in a single workstation mode (without MRD readers). Additionally, a prototype of IBIS using Local Area Network (LAN) and two types of document readers is being tested at Nogales on the Southwestern border to be completed this year.

Sea ports-of-entry pose a somewhat different technological problem, the need being for portable IBIS equipment which can be hand carried onto vessels during the inspection process. Therefore, IBIS support at sea ports of entry is still in the developmental stage.

QUESTION: What is the timetable for implementing this program at these sites?

ANSWER: The IBIS system is being phased into ports-of-entry based on an agreed to interagency plan - contingent upon availability of funds. By 1993, the system is expected to be in place at all international airports and pre-inspection sites. Due to the technology for land and sea ports-of-entry still being in the prototype/developmental stage, we cannot project a definitive date as to when all land and sea ports-of-entry will have IBIS capabilities.

QUESTION: Do you envision any changes in your program plans or implementation schedule at this time?

ANSWER: No changes are being considered at this time.

QUESTION: How much will INS spend on this program in 1991?

ANSWER: In 1991, INS has \$5.1 million in the Immigration User Fee Account and \$3 million in the Salaries and Expenses Appropriation for IBIS activities.

QUESTION: How much has been included in your 1992 budget request for this program and how will these funds be used?

ANSWER: In 1992, INS has \$10.3 million in the Immigration User Fee Account and \$3 million in the Salaries and Expenses Appropriation for IBIS activities. Approximately \$6.9 million will be utilized for operations and maintenance of existing sites, and \$6.4 million will be used for implementation of IBIS at additional locations.

QUESTION: Could the project be accelerated with additional

funds? What, specifically, could be done to accelerate this program?

ANSWER: If INS had more funds in 1992, they would be spent on additional equipment. However, the installation of all the new equipment, training and testing would still extend well into 1993, so there would be no significant change in schedule.

QUESTION: What additional resources would be required to do this?

ANSWER: The current estimates for IBIS equipment necessary for full implementation at all airports, land border and sea ports-of-entry, is approximately \$22 million dollars. Ten additional positions, as well as installation and training funding, would be required to expedite IBIS installation at the land and sea ports-of-entry.

QUESTION: From the INS' perspective, are there additional steps that Customs, State, or Justice could take to further facilitate, or accelerate, implementation?

ANSWER: The existing IBIS interagency working group is functioning well as the steering committee for the coordination for the design, development and installation of the IBIS system. INS feels that no changes need to be made at this time.

QUESTION: Are additional resources required in order to do this? -

ANSWER: No.

QUESTIONS SUBMITTED BY CONGRESSMAN CARR

Immigration and Naturalization ServiceImmigration Inspections Staffing

QUESTION: How many of the 190 previously existing vacancies have been filled by persons actually entered on board, as of this date, and where were the positions deployed?

ANSWER: At the start of the year, 1,272 of the then 1,465 authorized positions were filled. Of the 193 vacant positions, a net of 35 positions were filled during the first and second quarters. The on-duty level was 1,307 as of March 27, 1991.

QUESTION: How many of the 450 newly authorized persons have actually entered on board as of this date and where have they been deployed?

ANSWER: Due to a temporary hiring suspension related to the downturn in international traffic related to the Gulf War, none of the 450 newly-assigned positions have yet been filled. With the resolution of the Gulf War, INS has resumed its hiring plans and expects to have 1,835 inspectors on board by the end of the year.

QUESTION: How many of the 450 newly authorized persons have been given commitments to start work, when will they enter on board, and where will they be deployed?

ANSWER: 328 commitments have been made from the current 608 vacant positions. Newly hired officers are expected to enter on duty within the next 45 to 90 days. The 450 new positions for 1991 have been assigned to the locations indicated:

<u>Location</u>	<u>Positions</u>
Central Office	11
<u>Eastern Region</u>	
Bangor, ME	2
Boston, MA	14
Christiansburg, VA	2
Hamilton, Bermuda	2
New York, NY	93
Newark, NJ	6
Norfolk, VA	2
Philadelphia, PA	1
Pittsburgh, PA	1
San Juan, PR	10
Syracuse, NY	2
Toronto, Canada	21
Washington, DC	1
Total Eastern Region	157

<u>Northern Region</u>	
Algonac, MI	1
Anchorage, AK	2
Calgary, Canada	1
Chicago, IL	14
Cincinnati, OH	1
Detroit, MI	10
Seattle, WA	4
Vancouver, Canada	6
Total Northern Region	39
<u>Southern Region</u>	
Atlanta, GA	8
Dallas, TX	12
Charlotte, NC	1
El Paso, TX	1
Freeport, Bahamas	1
Hidalgo, Mexico	1
Houston, TX	10
Laredo, TX	1
Miami, FL	72
Nassau, Bahamas	3
Port Everglades, FL	2
Raleigh, NC	1
Tampa, FL	3
Total Southern Region	116
<u>Western Region</u>	
Agana, Guam	16
Honolulu, HI	40
Los Angeles, CA	40
Phoenix, AZ	1
San Francisco, CA	29
Tucson, AZ	1
Total Western Region	127
Total	450

QUESTION: How do you intend to proceed with the hiring of the additional 399 newly authorized positions for 1992, and where do you intend for the 399 to be deployed once they are hired?

ANSWER: While no new positions are included in the 1992 budget request, INS will be able to fund sufficient workyears to fill any positions remaining vacant at the end of this year.

QUESTIONS SUBMITTED BY CONGRESSWOMAN PELOSI

Immigration and Naturalization Service

Border Violence

QUESTION: A number of cases have been brought to my attention whereby the U.S. Border Patrol has assaulted, battered or killed individuals seemingly without provocation or justification. What is INS doing to address this situation?

ANSWER: The environment along the Border has become increasingly violent and dangerous. Assaults against Border Patrol agents more than doubled from 1989 to 1990. In 1990, 294 incidents of assault against 363 Agents were reported nationwide, with two-thirds (195) of the incidents occurring in the San Diego area. In 1989, 56 allegations of abuse against individuals by Border Patrol agents were referred to the Office of the Inspector General. The Inspector General found one substantiated and 51 unsubstantiated with four cases remaining open. Nationwide, the ratio of allegations of abuse to total aliens apprehended (942,991) in 1989 is 1:16,839. For comparison, the ratio in San Diego is 1:17,889.

The Border Patrol installed lighting, cleared brush and debris in banditry areas, repaired fencing, increased training of agent personnel, and redistributed sector resources to deal with the potential for high violence. Other planned improvements include physical barriers to make high density traffic areas safer, and retraining to expand non-lethal options available for coping with attacks by aliens.

QUESTIONS SUBMITTED BY CONGRESSMAN ROGERS

Immigration and Naturalization Service

Border Patrol Reallocation

QUESTION: You are proposing to shift Border Patrol agents from interior locations, where they have been conducting investigative work, to the Southern border. Your budget calls it a 2-year project. How many agents are assigned to offices in the interior?

ANSWER: Approximately 400 positions (agent and support staff) are assigned to locations away from the land border, including Border Patrol personnel located at regional offices. The role of these positions in accomplishing the Border Patrol's mission is currently under review. Where appropriate, these positions will be transferred to stations along the land borders.

QUESTION: Your budget does not clarify exactly how many will be reallocated in the next year -- what is your plan?

ANSWER: Plans to reallocate all non-border Border Patrol agent positions are being developed. INS has identified 29 Border Patrol stations and 180 positions for transfer to the border during 1992 under Phase I of this initiative. Funding has been requested for these transfers and complete implementation of the Phase I moves are scheduled for 1992. Further evaluation of additional Border Patrol stations is ongoing. Any additional transfers will occur in 1993 under Phase II of this initiative.

QUESTION: What was the rationale for posting agents at interior offices? How did they grow into investigative roles?

ANSWER: Border Patrol agents were assigned to interior locations for a variety of reasons. Continued requests from State and local law enforcement agencies for assistance in handling criminal aliens resulted in the assignment of agents to interior locations. The Intelligence program gathered, analyzed and identified various interior locations as the predominant terminus for alien smuggling loads. Agents were assigned to these locations to apprehend aliens still in travel status arriving at interior destinations. Heavy agriculture at locations away from the immediate border is a magnet which attracts large alien populations. Agents were assigned to these areas to address the increased concentrations of aliens employed in agriculture. Coastal areas are disembarking points for illegal aliens who arrive at seaports via cargo vessels. This situation was addressed by assigning agents to these areas to establish an immigration enforcement presence to deter ship jumping and apprehend stowaways.

The recent rethinking regarding this issue indicates a desire to maintain an immigration enforcement presence at interior locations. However, Border Patrol agents would be replaced

by immigration investigators, thereby allowing the Border Patrol to return to the immediate border areas where enforcement activities are best performed by uniformed Border Patrol agents.

It must be emphasized that trends of illegal entry into the United States are never static as demonstrated by the Cuban influx in the sixties and late seventies and the Cuban and Haitian migration trends of the eighties. The Service will assess intelligence information which indicates shifts in illegal immigration patterns and continue to reallocate its enforcement resources as necessary to properly address the fluctuations in illegal alien activity.

QUESTION: Can you provide me a list of stations where reassigned agents will be located?

ANSWER: Trends and patterns of illegal entry are assessed on a continuous basis. The current estimate of the situation described in the Border Patrol's Resource Allocation Model indicates that additional resources are needed along the entire southern border. Stations located in the San Diego, Tucson, El Paso, Laredo, and McAllen Sectors have demonstrated the greatest need for additional agent positions at this time.

Border Patrol Resources from the Special Forfeiture Fund

QUESTION: Your justifications anticipate receiving additional funds for the Border Patrol from the Drug Czar's Special Forfeiture Fund allocation. How much are you slated to receive this year and how will the funds be used?

ANSWER: In 1991, the Border Patrol received one million dollars from the Office of National Drug and Control Policy for the Southwest Border High Intensity Drug Trafficking Areas (HIDTA). These funds are used by the Patrol to conduct 24-hour traffic checkpoint operations along the southern border. These checkpoint activities are directed at increasing the interception of illegal aliens and narcotics which are being smuggled into the United States. The funds are also being used to acquire critically needed detection equipment such as sensor devices and night vision equipment.

QUESTION: In 1992, how much do you expect and, again, how will the funds be used?

ANSWER: There has been no determination as to the amount of funds that the Border Patrol is expected to receive in 1992; however, it is anticipated that the Border Patrol will receive additional funding for HIDTA-related initiatives such as, relocating Border Patrol personnel from the interior to the border, and purchasing helicopters and parts for the southwest border.

Apprehensions

QUESTION: You note in your budget that apprehensions along

the Southern Border have continued to increase since the summer of 1989. In 1990 your apprehensions were 24 percent greater than in 1989. Do these figures represent just border patrol actions, or do they also include inspections at ports-of-entry?

ANSWER: These figures are only for aliens apprehended by the Border Patrol along the Southern land border in 1990, and do not include apprehensions by inspectors at ports-of-entry. Nationwide, the Inspections Program of INS admitted 456,921,019 people and intercepted 887,923 inadmissible aliens at ports-of-entry.

QUESTION: How many of those are Mexicans and how many are third country aliens?

ANSWER: Southern land border apprehensions in 1990 are 1,049,319 of which 1,020,256 are Mexican and 29,063 are non-Mexican, representing aliens from over 150 different countries. The non-Mexicans represent 2.8 percent of the total apprehensions.

QUESTION: Can you approximate what percentage are drug-related?

ANSWER: Less than one percent of the total apprehensions are drug-related.

QUESTION: What would we be talking about if there were no employer sanctions--based on pre-IRCA crossings, do you expect the numbers would be greater?

ANSWER: Studies done after the passage of IRCA indicated a strong relationship between employer sanctions and crossings. The estimate frequently used is that 11 percent of the initial decline could be attributed to employer sanctions. Therefore, we expect the numbers of apprehensions would be even greater without employer sanctions. A more recent report that discusses IRCA's deterrent effect (mandated by section 402 of IRCA) will be forwarded to Congress shortly.

Legal Immigration Act of 1990

QUESTION: Could you summarize the impact of the immigration bill enacted last year on INS; what are the major new requirements?

ANSWER: Non-enforcement programs: The non-enforcement impact of the Immigration Act of 1990 (IMMACT 90) will fall upon six distinct aspects of the Examinations program: Adjudications, Naturalization, Inspections, Legalization, Temporary Protected Status and Training.

Adjudications

It is estimated that the changes in the law relating to the immigrant visa classifications will result in about 105,000 additional applications for adjustment of status being filed annually (including an estimated 5,000 additional nurses who

1900

will be eligible for adjustment because of the section 245(c) waiver) and about 80,000 additional immigrant visa petitions. Additionally, the changes in the asylum provisions will cause significant increases in the immediate and long-term workload. There are an estimated 100,000 outstanding approved petitions for third and sixth preference which may have to be refiled during 1992 and 1993.

The potential for fraud in the expanded immigrant classifications may cause additional workload for the Adjudications program. Furthermore, significant short-term workload implications are involved in the implementation of those sections taking effect immediately.

In the nonimmigrant area, the tracking of H-1 - Temporary Workers of Distinguished Merit and Ability petitions and assigning priority dates will be difficult. The volume of H-1b - Professionals and Entertainers (non-sports) petitions should drop significantly, due to new classes and because of the increase in immigrant visa numbers for skilled aliens. Other changes to the nonimmigrant provisions, especially the student employment program, will add pressure to issue uniform employment authorization documents.

IMMACT 90 expanded and regulated the Family Unity Program which will replace the Family Fairness Program. Changes in new law will also require substantial forms revision, new regulations, instructions, and redesign of data support systems that support the Adjudications program.

Naturalization

There will be some savings from a reduction in documents and out-of-office travel as a result of administrative naturalization, and some costs affiliated with such activities as preparation of all certificates, and arranging for, and conducting ceremonies. The Service is reviewing a number of requests from field offices for additional space to conduct recurring naturalization ceremonies. If it is determined that such space is needed, costs will be incurred for procurement and maintenance of space. Additional workload from the administrative naturalization package will also affect the headquarters activities of regulation and instruction preparation, forms revision, printing, and distribution. The Filipino War Veteran provision will also increase the INS workload over its two-year life span.

Significant modifications must be made to the automated Naturalization Casework System (NACS) to accommodate the changes made by this title. NACS is maintained and administered through a private contractor.

Inspections

The present Visa Waiver Pilot Program Information Form (I-791) must be revised to be combined with the Arrival/Departure Record (I-94). Present regulations and operations instructions must be revised. Contracts for data entry and microfilming of the forms must be revised. Carrier and travel industry personnel as well as consular officers of the

designated countries must be advised. Immigration inspectors' paperwork burden will be eased. Development of a truly automated arrival and departure system by January 1, 1992, may be difficult in the current budgetary climate.

The role of INS in the administration of the crewmen provisions is somewhat unclear. As written, it appears that the Attorney General will receive from the Department of Labor documentation as to the bona fides of each vessel and that the Attorney General will be responsible for monitoring such activity not only at the time of inspection but also after such inspection. We expect that this provision will be clarified by technical amendments this year.

Legalization

The one-year extension of the legalization adjustment program will necessitate keeping open a number of legalization sites which INS had previously planned to close.

Temporary Protected Status (TPS)

The TPS program is authorized by Sections 302 and 303 of the Act. They specifically provide for the registration of El Salvadoran nationals, and may be expanded to cover other nationalities who are found to meet the requirements of these Sections of the law through decisions involving the Attorney General and the State Department.

The law authorizes a program that provides status to selected nationals, with the possibility that the status can be extended in the future if conditions in the specified nations warrant an extension. Specifically, El Salvadoran applicants must apply for status during the six-month period from January through June 1991. Individuals who are approved for TPS must reapply every six months to have their status extended. They can reapply twice, allowing a total of 18 months in TPS.

The TPS program will have several major workload implications, particularly in the issuance of Employment Authorization Documents. The El Salvadoran provisions have been particularly challenging because this provision was effective immediately. The addition of other nationalities will also make the administration of this program more complex in the future.

Training

The provisions of the new law will require the Service to conduct an extensive training program to update all officers and clerical employees on legislative changes.

Enforcement programs: The enforcement provisions of the Immigration Act of 1990 are contained in Title V. These provisions significantly expand the authority of the Service to deal with criminal aliens, particularly those who have committed serious crimes. Under the broadened definition of "aggravated felony", persons guilty of such offenses are ineligible to receive certain discretionary relief from deportation, such as suspension of deportation and asylum.

The provisions grant arrest authority to INS officers, require states to provide INS with certified copies of aliens' conviction records, and generally restrict existing procedural rights of criminal aliens which frequently delayed their removal from the United States. Accordingly, IMMACT 90 impacts all operations within the enforcement program.

The following is a listing of the major enforcement provisions of IMMACT 90 and their impact on INS's enforcement operations:

Aggravated felony definition (Section 501)

This section expands the definition of aggravated felony to include offenses related to money laundering and any crime of violence for which the term of imprisonment imposed (whether or not such sentence is suspended) is five years or greater. It also clarifies the definition of drug-related crimes by including "any illicit trafficking in any controlled substance (as defined by section 102 of the Controlled Substances Act)" to the crime of drug trafficking. The expanded definition applies to the described offenses whether in violation of Federal or State law and also applies to violations of foreign law for which the term of imprisonment was completed within the previous fifteen years.

The broadened definition of aggravated felony will result in a greater number of criminal aliens being detained pending deportation. This additional bedspace will be required for the increased number of detainees. However, this may be offset, in part, by the reduction in detention days resulting from the streamlining of procedures, and an increase in the Institutional Hearing Program.

Shortening period to request judicial review (Section 502)

This section shortens the time period for filing petitions for judicial review by aggravated felons from 60 to 30 days after the issuance of a final deportation order.

Reduction of appeal periods will lessen individual detention time for some individuals. Criminal aliens will be removed from INS custody in a more expeditious manner, which will permit the use of the bedspace for the increased number of incoming aliens that require detention.

Enhancing enforcement authority of INS officers (Section 503)

This section broadens the authority of INS officers to make arrests for offenses committed in the officer's presence, or on the basis of a reasonable presumption that a person has committed a felony, and gives INS officers statutory authority to carry firearms. It also provides for officer training and certification and for the establishment of an expedited, internal review process for violations of enforcement standards. Section 503 further amends section 287 by providing for the fingerprinting and photographing of any alien 14 years of age or older who is under deportation proceedings. The fingerprints and photographs are to be made available to Federal, State, and local law enforcement agencies upon request.

A training and certification process must be developed and implemented for all Service officers provided with the expanded arrest authority. In addition, the expedited review procedures will require comprehensive implementation planning.

Custody pending determination of deportability and excludability (Section 504)

This section amends section 242(a)(2) to clarify that an aggravated felon is to be taken into custody by the Attorney General "upon release" from incarceration, rather than upon completion of the sentence, which could include parole or probation. It also requires release from custody of a permanent resident aggravated felon if the Attorney General determines the alien would not be a threat to the community and is likely to appear at any scheduled hearings. In addition, Section 504 amends section 236 by adding a new subsection entitled (e)(1) which prohibits an excludable aggravated felon from being released from Service custody unless the Attorney General determines that the alien may not be deported because the country of deportation denies or unduly delays acceptance of the alien. Even if this situation exists, the decision to release the alien is made only after certain conditions are met.

Release procedures developed to implement the new requirements will be applied very restrictively in accordance with Congressional intent, and will not lead to large numbers of individuals being released. Processing of these cases through the Institutional Hearing Program should alleviate problems pertaining to the bedspace and individual detention costs. However, aggravated felons unable to be excluded and deported may face indefinite detention, depending on the severity of their crimes.

Large concentrations of aggravated felons, such as the Mariel Cuban alien population, will necessitate additional bedspace and incur significant detention costs. The long range detention plan includes projected increases in the number of criminal aliens that will be apprehended and will require detention. Also, the plan takes into account improvements in the process, including expansion of the Institutional Hearing Program that will lead to a reduction in the length of stay and the number of criminals coming into INS detention.

Requiring coordination plan with INS as a condition for receipt of drug control and system improvement grants under the Omnibus Crime Control and Safe Streets Act of 1968 (Section 507)

This section amends the Omnibus Crime Control and Safe Streets Act of 1968 to require states to provide certified copies of criminal convictions, without fee, to INS within thirty days of an alien's conviction in order to qualify for grants under that Act.

In cases where INS is not yet aware of the conviction,

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receipt of the certified records will constitute an "alert" of the criminal alien's presence in a local, State or Federal institution. Expeditious processing of these cases should enable INS to exclude and/or deport these aliens upon assuming custody.

Good moral character definition (Section 509)

This section prevents aliens convicted of aggravated felonies from establishing good moral character.

Aggravated felons prevented from establishing good moral character will be ineligible to apply for certain forms of relief during the course of their deportation hearings. Arguments, as well as subsequent appeals pertaining to these issues are generally lengthy in nature. While this provision will allow INS to remove more aliens quickly and effect more deportations, this depends on an adequate number of immigration judges, and sufficient resources to detain and remove a large number of detainees.

Report on criminal aliens (Section 510)

This section requires that a plan be submitted to Congress by December 1, 1991 regarding the removal and prevention of reentry of criminal aliens. It necessitates taking a national census of criminal aliens that includes their characteristics by status, criminal history, etc., and a removal plan that includes a statement of resources needed to implement such a plan.

INS has met with the Bureau of Justice Statistics (BJS) to determine a methodology for gathering the required statistics. Statistics must be gathered by surveying numerous entities including: correctional institutions (4,660); courts; probation and parole offices; and, inmates. These sources will provide some of the data; however, other data is not attainable, such as, the total number of deportable aliens with respect to whom a hearing under section 242(a) could have been conducted since November 18, 1988. Based on discussions with BJS, a survey of this scope will be extremely time consuming and it is likely that, even if adequate resources were available, INS will have difficulty meeting the data requirements or the time-frame required in the law.

Effect of filing a petition for review (Section 513)

This section eliminates the automatic stay of deportation upon filing for judicial review by aggravated felons unless otherwise directed by the reviewing court.

This provision will enable the Service to deport aggravated felons pending judicial review of their deportation orders and should result in some savings in the average detention-day costs.

Asylum in the case of aliens convicted of aggravated felonies (Section 515)

This section precludes aliens who have been convicted of aggravated felonies from applying for, or being granted asylum in the United States. This section also makes the

conviction of an aggravated felony a "particularly serious crime" thus, virtually eliminating withholding of deportation under section 243(h) as a form of relief from deportation.

This provision will have the effect of streamlining the removal process by eliminating additional time-consuming hearings involving asylum. By rendering aggravated felons ineligible for this form of relief, individual detention costs will be lessened considerably.

Application of increase in penalties to enhance enforcement activities (Section 542)

This section requires that the increased civil monetary penalties be credited to appropriations for enhanced enforcement activities, and reduction of Executive Office for Immigration Review (EOIR) transcript backlogs.

The increased penalties will provide funding for enhanced enforcement activities related to the identification, investigation, and apprehension of criminal aliens and the tracking of aggravated felons. The additional resources will also be used to fund the construction and maintenance of physical structures on the border to deter illegal entry, and to reduce EOIR transcript backlogs, and consequently the length of detention in affected cases.

Civil penalties for document fraud (Section 544)

This section establishes civil penalties and hearing procedures for activities related to document fraud in connection with any requirements of the Act. Orders of violations of these provisions are also added to the grounds of exclusion and deportation.

This provision institutes an entirely new area of enforcement in fraud-related cases. The impact will be particularly significant in employer sanctions cases. Additional investigative resources may be required to enforce this provision, with a proportionate increase in Intelligence program resources for support activities conducted by the Forensic Document Laboratory, and INS intelligence analysts. Additional resources for hearings pertaining to these violations will also be required. Furthermore, length of detention, as well as individual detention costs may increase somewhat due to the fact that there are no existing precedent decisions in matters of these types.

Deportation procedures; required notice of deportation hearing; limitation on discretionary relief (Section 545)

This section completely revises the procedures for deportation proceedings. It also significantly limits the discretionary relief available in cases involving a failure to appear for an asylum hearing, a failure to appear for deportation, or a failure to depart in a timely manner following a grant of voluntary departure.

This provision creates detailed requirements for notices of charges in both the English and Spanish languages, thereby establishing a continuing need for bilingual personnel.

Interpreters will be needed for those aliens who speak neither English nor Spanish. The additional information that must be explained will require increased officer time. Initially, litigation in matters involving the limitation of discretionary relief will incur extra detention costs and delay the removal process. Should precedent decisions support this enforcement-oriented posture, however, expeditious removal of aliens will be facilitated, reducing individual detention costs.

Revision of grounds for deportation (Section 602)

This section revises the grounds for deportation.

The impact of this provision will be primarily in start-up costs associated with major amendments to procedural regulation and forms. Additional costs for training will also have a major impact on existing resources.

QUESTION: Have you costed out the provisions of the bill, and does your request for next year meet those costs? If not, please provide details for the record.

ANSWER: The total cost of all of the provisions of the Immigration Act of 1990 is in the process of being developed. These estimates will be reviewed Department of Justice and the Office of Management and Budget. Once the impact has been determined, INS will address the source of additional resources that may be required to implement the provisions.

Border Patrol Positions

QUESTION: Last year, the Committee approved your 1991 request for 5,052 permanent positions for the Border Patrol, an increase of 200 positions. Your 1992 justifications display, however, an 1991 base level of 4,968 positions -- a difference of 84 positions. Explain.

ANSWER: The reduction of 84 positions represents the number of positions that can no longer be funded due to the absorption of the unfunded costs of the general pay raise in 1991.

QUESTION: Will any additional positions be available from either the Special Forfeiture Fund or the Organized Crime Drug Enforcement appropriation? If so, please provide details.

ANSWER: There are no additional positions anticipated for the Border Patrol from either the Special Forfeiture Fund or the Organized Crime Drug Enforcement appropriation.

Pay Costs

QUESTION: What is the 1991 cost of the general pay raise made effective in January, 1991? How much of the increase will be absorbed, and what programs will be affected?

ANSWER: The cost of the general pay raise in 1991 is \$19,800,000. Approximately 50 percent of the increase will

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be absorbed. All programs are affected by this absorption.

QUESTION: Please provide a list of the 1991 costs of the new raises for senior executive branch officials, the geographical pay enhancements, and the special law enforcement pay enhancements.

ANSWER: The special pay raises and pay enhancements in the 1991 budget are as follows:

Senior Executive Pay Raise	\$446,000
Geographical Pay Adjustment	\$4,109,000
Special Law Enforcement Pay	0

Provisions for special law enforcement pay which impact INS operations will be reflected in the agency's 1992 budget requirements.

QUESTION: How much of these costs will be absorbed, and what programs will be affected?

ANSWER: Approximately 46 percent of the senior executive pay raise will be absorbed in 1991. All of the geographical pay adjustment will be absorbed.

QUESTION: How much did the INS pay in overtime costs in 1990? Please break out by AVO and any other appropriate categories.

ANSWER: The following major categories of overtime costs were paid in 1990:

Administratively Uncontrollable	
Overtime	\$35,465,000
1931 Act Overtime	33,497,000
1945 Act Overtime	18,457,000
Other overtime	5,367,000
(includes FLSA and Wage Board overtime, and overtime paid in travel status)	

QUESTION: How much in overtime costs are estimated for 1991? Please break out by appropriate categories.

ANSWER: The following major overtime costs are estimated for 1991:

Administratively Uncontrollable	
Overtime	\$46,248,000
1931 Act Overtime	34,065,000
1945 Act Overtime	18,488,000
Other overtime	5,374,000
(includes FLSA and Wage Board overtime, and overtime paid in travel status)	

Status of Obligations

QUESTION: Please report on any unobligated budget authority (or other authority) which lapsed at the end of fiscal year 1990 in any of your accounts.

ANSWER: The unobligated budget authority which lapsed at the end of fiscal year 1990 for the Basic Appropriation totaled \$222,713. Unobligated funds remaining at fiscal year end for the reimbursable user fee accounts are carried over to the subsequent fiscal year.

QUESTION: Please report on any carryover of unobligated budget authority (or other authority) you expect at the end of fiscal year 1991.

ANSWER: The carryover of unobligated budget authority in the Salaries and Expenses account expected at the end of fiscal year 1991 is \$300,000.

San Clemente Traffic Checkpoint

QUESTION: Update the Committee on San Clemente Traffic Checkpoint project.

ANSWER: The California Department of Transportation (CALTRANS), with the understanding that incremental funding is forthcoming for the new checkpoint project, has initiated a study that will be completed by September 1991. This report will reassess and confirm project feasibility, cost and schedule. It is anticipated that the total project cost will be approximately \$31.2 million and take 7 years to complete. Within this time frame, the environmental and road work design documents will be completed by 1995. At that time, the highway construction will be awarded and INS will initiate design on their new facilities to be located within the site. The timing will be such that the construction of the facilities and the roadwork will be completed simultaneously by 1997.

QUESTION: Did you recur the \$10 million in 1991 into the 1992 base?

ANSWER: Yes, \$10 million appropriated in 1991 was recurred in the 1992 budget base.

National Enforcement Operations Center

QUESTION: You are requesting \$9.5 million in your investigation budget to set up the enforcement operations Center, which you mention in your statement. How are the various field offices handling request for assistance now?

ANSWER: Our field offices handle individual requests for assistance within the limits of the resources available -- usually within normal working hours. Some of our larger offices are able to dedicate specific resources to special initiatives involving criminal aliens, like processing aliens at correctional institutions. Smaller offices handle requests on an ad hoc basis depending on the demands for

assistance and available resources.

QUESTION: What type of outreach do you have planned, so that local and state officials will dial the center as opposed to their normal INS contact?

ANSWER: Once the Operations Center is established, we will conduct an extensive outreach program via established law enforcement communications channels to make its presence known in the criminal justice community. One of the major problems now is that many local and state officials do not have a "normal INS contact." This is one of the goals of establishing the Operations Center.

QUESTION: How will you determine where to locate the center, and what kinds of data bases will it have access to?

ANSWER: The location of the Enforcement Operations Support Center has not yet been determined. The Center will have access to all internal INS data bases and the National Crime Information Center and National Law Enforcement Telecommunications Systems.

QUESTION: Will this system speed up the deportation process at all? You received added authority in the crime bill passed last year related to deportation. Will that complement the center?

ANSWER: One of the goals of the Center is to improve the process of identifying and initiating deportation proceedings for criminal aliens. Any improvements in this long and complex process will ultimately enhance our ability to remove deportable aliens expeditiously. The authorities contained in last year's crime bill are not related to the role and mission of the Center.

Investigations/Employer Sanctions

QUESTION: I noticed in your workload estimates for the investigations portion of your budget, a big increase in the number of employer compliance inspections -- from about 13,000 this year to over 15,000 in 1992. Is this a shift in emphasis?

ANSWER: The figures cited refer to the projected total of employer sanctions cases and will be more clearly labeled in future budget submissions. The total comprises both lead-driven investigations based on information received by INS that suggests or alleges that a particular employer is in violation of the employer sanctions provisions, and compliance inspections conducted under the General Administrative Plan (GAP), a neutral selection process in which all employers are subject to random audits.

The combination of lead-driven investigations and compliance inspections is indicative of the balanced enforcement approach that is the hallmark of the employer sanctions program. Approximately 4,500 employers per year are sche-

duled for compliance inspections --a figure determined to yield a statistically reliable measure of compliance. The balance of investigative resources will continue to be applied to lead-driven investigations that are far more likely to generate compliance with the law through warnings and penalties. The addition of 150 Investigations personnel will yield a net increase in employer sanctions case completions.

QUESTION: Have you litigated many employer sanctions cases? With what success?

ANSWER: To date, a total of 16 Employer Sanctions cases have been litigated. Ultimately, the Service has prevailed in all cases, even those that were appealed to Circuit Courts. The remarkable success achieved in sanctions litigation may be attributed to the meticulous development and preparation of solid fine cases by Service agents and attorneys, and reflects proper and consistent application of the law.

A settlement is reached prior to hearings in the vast majority of employer sanctions cases. Since the implementation of employer sanctions, more than 2,000 fine cases have been settled without resort to the hearing process.

QUESTION: Would this result in less work on areas like narcotics, or fraudulent document schemes?

ANSWER: The Service has established priorities for 1991 that are reflected in the Investigations program's 3 major areas of emphasis: employer sanctions, criminal aliens, and fraud. Field offices have been directed to devote a minimum of 30 percent of Investigations time to each of the three areas. The remaining ten percent is to be distributed among collateral duties, and any of the three major priorities as local conditions demand. No diminution of these percentages is anticipated in 1992.

The balanced distribution of investigative resources reflects the significance the Service attaches to employer sanctions, criminal aliens, and fraud. In 1990, competing demands for limited resources resulted in a disproportionate use of Investigations time for criminal alien initiatives at the expense of employer sanctions and fraud; the 30 percent directive will ensure the equitable apportionment of program resources.

QUESTION: Even though you are requesting 150 new positions for investigations work, isn't this just backfilling Border Patrol positions that will be moved to the border? Won't you be left with the same level of resources for the extra workload shown in you budget?

ANSWER: The requested resources will provide employer sanctions coverage in the interior areas formerly covered by the Border Patrol. Not a simple one for one replacement, the plan for backfilling Border Patrol positions involves an evaluation of workload factors and other considerations which

will determine the appropriate number and mix of investigations position classifications, and may dictate establishing new offices or adding personnel to existing offices.

Effectively, these positions are necessary to maintain a status quo in employer sanctions enforcement. It should be noted, however, that the Border Patrol personnel who are expected to be shifted to immediate border areas currently perform many additional duties unrelated to employer sanctions, such as transportation checks and area control. While these activities are consistent with the Border Patrol mission, they are not representative of the Investigations program mission. The additional investigations resources will be used primarily for employer sanctions enforcement activities and consequently, may be expected to generate more case completions than Border Patrol agents in the interior.

Detention and Deportation

QUESTION: As you pointed out in your testimony, GAO has identified some very serious problems in INS detention and handling of aliens. The largest increase in your request -- \$36 million -- is for detention and deportation costs. Given the severity of your detention needs, would this be your number one funding priority this year?

ANSWER: Yes, in our 1992 Authorization and Budget Request submitted to Congress, the Detention and Deportation increases were ranked number one.

QUESTION: Part of your request is an additional 278 INS positions to improve staffing at the Service Processing Centers. Do you have any contract employees at these detention centers, and if so, what functions do they perform?

ANSWER: There are contract personnel at our SPC's. They mainly provide guard services, including maintenance of safety and security and maintenance of sanitary conditions in the facilities.

QUESTION: Would any of the requested positions replace jobs being performed by contract employees?

ANSWER: No. The requested positions will perform functions which cannot be performed by contract positions. Our goal is to have an appropriate proportion of INS permanent staff at each facility.

QUESTION: The largest increase is \$16 million for a joint INS/Prisons contract facility near San Diego, just for criminal aliens. What is the status of this facility?

ANSWER: The solicitation for this contract is with the Bureau of Prisons pending finalization under Federal contracting regulations.

QUESTION: What portion of the \$16 million is for INS staff, and what will they perform.

ANSWER: To fund employees' salaries, benefits and transfers, \$2 million will be required. The 50 employees' duties will include transportation of aliens to and from the facility and transportation for deportation. Deportation officer positions and docket clerk positions will be needed at the facility to maintain deportation docket processing. Other positions will be required to perform administrative duties.

QUESTION: As you know, 20 percent of our prison population is made up of criminal aliens. Why can't we mitigate these costs by pressuring the foreign countries to take back criminal aliens for the purpose of serving sentences?

ANSWER: The problem is not exclusively a problem of uncooperative foreign governments. Currently, 20 foreign countries participate in a prisoner transfer program. The obstacle to a wider use of this program is that a prisoner must request the transfer. Few alien prisoners are willing to participate in such an exchange. There is no way, under present law, for the Government to compel a prisoner to transfer.

QUESTION: Are you pursuing anything along this line?

ANSWER: In my testimony, I suggested that I had received a legal opinion to the effect that the Constitution "prevent[s]" the United States from transferring alien prisoners abroad to serve the remainder of their sentences (page 70, lines 1642-1647).

The Department of Justice does not believe that the Constitution "prevent[s]" the incarceration of alien prisoners abroad. The Department is of the view, however, that non-consensual prisoner transfers may present a variety of legal difficulties. Under existing agreements between the United States and foreign countries relating to prisoner transfer, a non-citizen prisoner cannot be transferred to serve a sentence in the prisoner's country of origin without his or her consent and the concurrence of both countries. Furthermore, under current law, "[a]n offender may be transferred from the United States . . . only to a country of which the offender is a citizen or national. . . . [and] only with the offender's consent." 18 U.S.C. § 4100(b) (emphasis added).

But even if existing prisoner transfer agreements and statutory authorities were amended to permit non-consensual transfers, such transfers would still invite legal challenges. For example, claims for withholding of deportation or asylum under the immigration laws could be made. See 8 U.S.C. § 1253(h)(1). Moreover, in contrast to the situation in which a non-citizen prisoner is deported or consents to confinement abroad, non-consensual transfers of this kind create potential legal liability because, although the non-citizen prisoners would no longer be incarcerated within the territorial boundaries of the United States, it is possible that the Federal Government would continue to be held

responsible for the conditions of their confinement. The Supreme Court has observed:

[W]hen the State takes a person into custody and holds him there against his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety and general well-being The rationale for this principle is simple enough: when the State by the affirmative exercise of its power so restrains an individual's liberty that it renders him unable to care for himself, and at the same time fails to provide for his basic human needs -- e.g., food, clothing, shelter, medical care, and reasonable safety -- it transgresses the substantive limits on state action set by the Eighth Amendment and the Due Process Clause.

DeShaney v. Winnebago County Department of Social Services, 109 S. Ct. 998 (1989). The Supreme Court has also indicated that the government cannot relieve itself of responsibility for individuals in its custody by "contracting out" its duties to third parties. West v. Atkins, 487 U.S. 42, 56 (1988).

Following the rationale of DeShaney, West, and similar cases, if the government were to transfer a non-citizen Federal prisoner against his or her will to a foreign country to serve the remainder of a sentence, it may continue to be held responsible for the conditions of the prisoner's confinement abroad, including the prisoner's safety and well-being. In the event that the government were deemed to have breached that responsibility, it could be subjected to liability in tort. The United States' exposure would be exacerbated by our inability to exercise direct control over the law enforcement authorities in the foreign jurisdiction.

Land Border Inspections/New land Border Fee

QUESTION: Your statement mentions that your budget includes an increase of \$5.9 million and 135 inspector positions to deal with burgeoning land border traffic. The increase, you say, will improve the situation and "reduce some inspectional delays" -- which is not exactly a ringing endorsement. Why has the inspection workload increased by 34 percent in six years?

ANSWER: The greatest portion of the inspections workload is composed of the number of persons applying for entry into the United States through ports-of-entry. The signing of the Canadian Free Trade Agreement, changing demographics in the Sun Belt, a dramatic increase in the number and frequency of European tourists to Canada who later travel in the United States, as well as the economic pull exerted by the twin plant industry along the southern border are all factors which have served to increase the number of persons crossing the land borders. Below are the total number of persons inspected at land ports of entry for each of the last six years. In addition, the percentage of change over the previous year is given for the last five of the six years

fiscal years.

<u>Total Number of Inspections</u>	<u>Percentage of Change over Previous Year</u>
FY 1985--271,475,068	(Base Line Year)
FY 1986--286,331,340	+ 5.5
FY 1987--293,768,107	+ 2.6
FY 1988--336,683,524	+ 14.6
FY 1989--377,537,247	+ 12.1
FY 1990--401,600,398	+ 6.4

QUESTION: Update us on how you are implementing the land border fee the Committee authorized last year. At what locations will you implement?

ANSWER: The first portion of the authorized pilot project will be the institution of a dedicated commuter lane at the Blaine, Washington/Douglas, British Columbia, border crossing. Frequent border crossers may apply for a vehicle specific sticker to allow the driver/owner and certain pre-approved passengers to transit the border through a dedicated commuter lane. A \$25 per vehicle user fee, to be charged for this expedited service, will be payable annually.

Applications received by the Service will list all persons authorized by the owner/driver to ride in the vehicle. In order to participate in the program, each person so listed must be a citizen of either Canada or the United States and must meet certain restrictions relative to criminal convictions as well as customs and immigration violations. The accuracy of the information furnished by the applicant will be verified through available enforcement systems. Persons using the dedicated commuter lane must have no luggage or items in the vehicle which must be declared.

Successful applicants, after signing an agreement to abide by the terms for use of the dedicated commuter lane, will be issued a sticker, to be placed on the back of the rear view mirror. This sticker will entitle that specific vehicle to utilize the dedicated commuter lane. In addition, a letter listing all persons authorized and approved by the Service for that vehicle is required to remain in the vehicle at all times. Vehicles using the dedicated commuter lane will pass slowly through the lane where an Immigration Inspector or Customs Inspector will complete a quick visual inspection of the occupants and interior of the vehicle.

Spot checks of vehicles will be made on a regular, but random, basis for compliance purposes. Any person violating the conditions and terms for use of the dedicated commuter lane may be subject to severe penalties including revocation of the permit, seizure of the vehicle and/or any unlawful goods, as well as possible fines and/or prosecution.

Blaine anticipates approximately 20,000 users of the dedicated commuter lane. While not all 20,000 are ever expected to cross on the same day, it is projected that the number of

daily crossers from this group will approach 12 to 15 percent of daily traffic. By channelling this low risk group through a special lane, the inspection of remaining traffic will also be speeded. Results of the Blaine test will be utilized in the selection of other sites along both the northern and southern borders.

QUESTION: Explain the \$1.9 million estimate in the Land Border Inspection Fee request.

ANSWER: The \$1.9 million estimate was developed well in advance of detailed planning for the pilot project. It is anticipated that the resources will be used for personnel costs, a limited amount of equipment, the production of printed materials and window stickers, and signs making commuter lanes.

QUESTION: Will the \$1.9 million in collections fund more than the one site mentioned in your statement?

ANSWER: Based on agency planning for the land border pilot program which has been done up to this time, the estimated collections will fund more than one site.

QUESTION: Given the inspections request for direct appropriations, and the workload, how quickly can you expand the land border pilot to more locations where workload and traffic back-ups are most severe?

ANSWER: The Service desires to eventually have several different projects running along both the northern and southern border. However, the unique nature of each port of entry and the communities served offers new opportunities to try different approaches in each location. The initial portion of the pilot project scheduled for Blaine, Washington, will use a "low tech" approach. Other locations under consideration may offer greater opportunities to experiment with alternate methods for user fee collection, vehicle identification, and adjudication of applications.

Each project will be initiated separately in order for the Service to be able to evaluate the results of all previous, as well as any ongoing tests and thereby profit from any lessons learned in their implementation and day-to-day administration. The draft regulation that is being formulated addresses the institution of multiple pilot projects as authorized under Public Law 101-909 and does not specifically mention any location by name or geographic area.

Not all locations with severe traffic back-ups are physically capable of enhancing services through the use of dedicated commuter lanes. For example, not all locations with such problems have easily identifiable, low risk, populations of a reasonable size which could or would utilize and sustain such a dedicated commuter lane. Other ports have severe traffic back-ups due to physical constraints relating to infrastructure and port of entry design such as too few lanes available or congestion occasioned by local or state funded

feeder roads with insufficient capacity to transport current traffic loads.

The regulation being drafted will cover the implementation of such a project at any selected location and will allow for variations in the technology, administration, and implementation from project to project to fit local needs and constraints. Once the Blaine project is up and running, and has undergone preliminary evaluation as well as any necessary "debugging", the program can be exported to other locations in a relatively short period of time.

Machine-Readable Document Systems

QUESTION: For this year (FY 1991), you have \$3 Million in direct appropriations for the Interagency Border Inspection System (IBIS), and another \$7.2 million from the Immigration User Fee account for the system. Update us on the installation of the system.

ANSWER:

Existing IBIS sites in 1991:

Air Ports of Entry:	Land Ports of Entry:
Detroit	Nogales (prototype)**
San Diego	St. Albans* Champlain*
Boston	Cala* Richford*
Miami - 2 terminals	Houlton* Massena*
Dallas/Fort Worth	Bangor* Ogdensburg*
San Francisco	Portland* Thousand Island*
San Juan - 3 terminals	Bar Harbor* Lewiston*
JFK - 5 terminals	Lubec* Whirlpool*
Honolulu	Vanceboro* Norton*
Miami - North Terminal	Derby Line*
Houston	North Troy*
Seattle	E. Richford*
Orlando - 2 terminals	Pinnacle*
Chicago	W. Berkshire*
Atlanta	Highgate Springs*
Newark	Alburg*
LAX - 3 terminals	Peace Bridge*
Charlotte	Rainbow Bridge*
Denver***	Bridgewater*
St. Thomas***	Ft Fairfield*
Toronto***	Limestone*
	Hamlin*
	Van Buren*
	Madawska*
	Fort Kent*
	Coburn Gore*

* Single workstation sites without MRD readers

** Local area network with machine-readable document systems (MRD) readers

*** Airports installed in 1991

QUESTION: Is part of the total \$10 million in 1991 being used to operate the systems already installed? If so, how

must is left for expanding to other sites?

ANSWER: In 1991, INS has resources totaling \$8.1 million (\$3 million in direct appropriations and \$5.1 million from the Immigration User Fee account). Of these funds, \$5.1 million will be used to operate and maintain the systems already installed. Approximately \$3.0 million will be used for expansion to other sites.

QUESTION: As I recall, the only land border site slated so far for the system is Nogales, Arizona. Has it been installed? If so, is it feasible, and should it be expanded to other border locations?

ANSWER: Yes, a prototype of IBIS using Local Area Network (LAN) and two types of document readers are being tested at Nogales on the Southwestern border. Land border ports of entry are operationally different from airports, and have required more analysis of how IBIS can be used effectively. Currently the inspection programs of both Customs and INS are developing a functional plan for operations at land ports, including the tactical placement and utilization of the proposed equipment, based upon the outcome of the prototype testing this year.

QUESTION: How much, between base funds and increases, is in your 1992 request for the system? How much is for expansion?

ANSWER: In 1992, INS has \$10.3 million in the Immigration User Fee account and \$3 million in the Salaries and Expenses Appropriation for IBIS activities. Approximately \$6.4 million will be used for implementation of IBIS at additional locations.

QUESTION: Last year, we were told that IBIS would be implemented at all planned sites by 1992. Is that still realistic, and if not, when will it be completed?

ANSWER: When INS initiated the IBIS project in 1989, we estimated that it could be done in 4 or 5 years at a cost of about \$10 million per year from appropriated and Immigration User Fee funds.

The IBIS system is being phased into ports of entry based on an agreed to interagency plan - contingent upon availability of funds. By 1993, the system is expected to be in place at all international airports and pre-inspection sites. Due to the technology for land and sea ports of entry still being in the prototype/developmental stage, we cannot project a definitive date as to when all land and sea ports of entry will have IBIS capabilities.

QUESTION: Will all new and upgraded systems be able to handle machine-readable visas issued by the State Department?

ANSWER: Yes, the IBIS system document readers are capable of reading machine readable passports, visas, old and new I-551 Resident Alien, and I-586 Mexican border crossing cards.

QUESTION: Does your overall plan include any land-border sites beyond Nogales?

ANSWER: In 1992, INS plans to install IBIS in El Paso and Laredo. Currently the inspection programs of both Customs and INS are developing a functional plan for operations at land ports, including the tactical placement and utilization of the proposed equipment, based upon the outcome of the prototype testing this year.

Automated Fingerprint Identification System

QUESTION: Update us on the AFIS system being tested in California.

ANSWER: Initiated in 1989, the AFIS project is intended to identify criminal aliens and repeat offenders of immigration law by implementing an advanced technology, computer-based fingerprint storage/retrieval system. The 1991 project development will concurrently perform national requirements analysis and establish a field prototype Initial Operational Capability (IOC) for test and evaluation.

AFIS supports establishing control of the border by:

- . Providing INS with the capability to identify criminal aliens and those who have multiple apprehensions (recidivism).
- . Establishing a computer-based criminal history and recidivism file, which contains number and type of convictions.

A working group has been established to analyze areas where INS, FBI and other enforcement agencies can participate in developing an AFIS system that will serve national needs (National Operations Capability (NOC)). This development is proceeding through the System Development Life Cycle (SDLC), with a June 1991 target for agencies' analytical conclusions on joint central site use.

An INS prototype is being conducted through negotiation of a contract with the Western Identification Network (WIN), a consortium of Western states, that provides AFIS capabilities to their member law enforcement agencies. Participation in WIN will enable INS to establish its own fingerprint database and provide for interaction with other law enforcement agencies.

The AFIS terminal equipment is now being delivered and installed. It is planned that communications and the WIN database interaction will become operational in the 3rd quarter of 1991.

QUESTION: It is my understanding that some of \$1.1 million provided for the AFIS in 1990 was used for other purposes. What other projects or activities were funded, and how much

of the \$1.1 million was used for them.

ANSWER: All of the funds earmarked for AFIS were spent on AFIS as Congress intended.

QUESTION: \$2 million was provided for this year. Can you update us on how you plan to use it?

ANSWER: The 1991 funding will provide for the INS share of the Western Identification Network (WIN) system operation, communications from the INS terminals to the WIN site, the addition of two AFIS workstations, the operation and maintenance of the prototype computer hardware and network and system analysis and development support for the Initial Operational Capability (IOC) and National Operations Capability (NOC).

QUESTION: Have you been able to tie the system into the Western Identification Network, so as to check prints against a larger data base?

ANSWER: In 1990, INS initiated negotiations with the Western Identification Network (WIN), for them to provide database capabilities and processing for the INS prototype. Problems with the contracting process with WIN are being resolved, and it is expected that we will have access to the WIN network in third quarter of 1991.

QUESTION: As you know, the FBI is proposing a major fingerprint identification system development? Are you coordinating your efforts with them?

ANSWER: A working group has been established to analyze areas where INS, FBI and other enforcement agencies can participate in developing an AFIS system that will serve national needs (National Operations Capability (NOC)). This development is proceeding, with a June 1991 target for agencies' analytical conclusions on joint central site use.

QUESTION: I noticed no increase for AFIS for next year; are there funds in your 1992 base? If not, why doesn't your budget show a reduction for this project?

ANSWER: Yes, in 1992, \$2 million dollars is included in our base appropriation for AFIS.

QUESTION: How much would be required in 1992 to continue with the planned IOC (Initial Operating Capability)?

ANSWER: The base 1992 funding will provide for the operation and maintenance of the IOC system.

QUESTION: What would that amount provide in terms of operations and expansion.

The base 1992 funding will provide for the continued development of the NOC in concert with the FBI.

CADRE System

QUESTION: You are requesting an increase of \$3.2 million for a computer system that will improve the Border Patrol's use of ground sensors installed near the border. Both your statement and budget documents state that the current system is inadequate due to user requirements. What requirements are not being satisfied?

ANSWER: Eight INS Border Patrol Sectors on the Southern Border are currently operating on obsolete sensor monitoring or dispatch systems. These systems cannot be maintained because of the age of the hardware, and the lack of necessary storage and processing capacity. Replacement of these systems will provide automation of crucial sensor data and agent status tracking functions. The new CADRE II system (the baseline system is operational in El Paso, TX) configuration consists of a mini-computer platform which is configurable to accommodate the widely varying processing requirements (activity/workload levels) of the different sectors. The system will be accompanied by workstations for radio console operators, system administration and electronics shop sensor maintenance use.

QUESTION: Is this the total cost of the system? If not, please provide that information.

ANSWER: No, this funding will provide for the implementation of the system at six locations, as well as the cost of staff, the purchase of replacement sensors, and software enhancement and maintenance. The total cost is estimated at approximately \$7.1 million for installation at 17 land border sector headquarters locations through 1996. This total cost covers: installation, staff support, equipment purchases, software enhancements and modifications, and software maintenance.

INS Management
Organizational Changes

QUESTION: Commissioner McNary, your agency faces daunting and contradictory tasks. Your budget has grown to a \$1 billion request for next year, in addition to the management of four fee-reimbursed accounts, which all told provide a doubling of your resources over a five to six year period.

You stated last year that work was underway to reorganize the agency -- so as to meet these goals and solve many well documented problems. You deserve credit for centralizing budget and personnel functions. But why, one year later, have we yet to see an overall reorganization plan?

ANSWER: INS reorganization has not been a consideration solely within the agency. As we developed our plan, the General Accounting Office was conducting a General Management Review of the INS and making recommendations to us. GAO's report was delayed in issuance. We advanced a proposal that would have made substantial changes, but did not address all

of the concerns advanced within the context of the GAO report, nor some other concerns that had surfaced over the years within the Department of Justice.

Once the GAO report was published, the Department sought an independent comparison of GAO's recommendations, as well as my own recommendations. That review is complete and the reorganization plan was submitted to the Congress on April 23, 1991.

Status of Outside Agency Review

QUESTION: We have heard and read about the outside panel of experts appointed by the Attorney General, and headed by former Bureau of Prisons Director Norman Carlson, to help you and the Department address the many problems which exist.

Can you explain the agency's role in the process, and when you believe a report will be presented?

ANSWER: Shortly after the appointment of the Carlson Group was announced, I met with Mr. Carlson and other members of the group to discuss their project. During the following few weeks, the Carlson Group met with 29 current INS employees to assess their impression of Service operations and their responsibilities. I provided the Carlson Group unrestricted access to INS personnel, and encouraged all who dealt with them to be open minded and candid in their answers.

In late January, when the Carlson Group reported to the Deputy Attorney General, I was briefed by the group on their findings and recommendations. The group's written report was submitted to the Attorney General, who indicated during March 6, testimony, that he would provide it to the Committee.

QUESTION: The most recent GAO report detailed many areas of concern. Will INS be responding formally to its recommendations at some point?

ANSWER: A response was submitted by INS on April 16, 1991.

FY 1992 Budget Request

QUESTION: For next year, the INS is slated for a \$68.5 million program increase, which would bring the agency over the \$1 billion mark. In addition, you would be handling nearly \$400 million in activities funded by various fees. What assurance can you give us, despite the requirements of new legislation and the importance of your requests (FY 1992 Budget) that INS can manage more funds than it does now?

ANSWER: INS continues to act to improve its financial management. The main elements of these improvements can be shown in four categories: Management, Planning, Staffing and Resources, and Automation.

The management of the Service's financial resources will be

improved through the increased importance of the Chief Financial Officer. The balance between operational needs and resource availability must be maintained, to the greater benefit of the Service, not regional or organizational factions. Financial regulations and standards will be used to promote fiscal integrity, and not be perceived as roadblocks to operational needs.

Stronger financial management means more effective planning with long-range goals and priorities guiding short-term decisions about the use of resources. Consensus agreements on resource issues will provide impetus to budget accurately and work within the framework of the budget plan. Effective planning requires that the Congress, the Administration, and the Department support INS as it undertakes the responsibilities required to make all necessary improvements.

Anticipated increases in staffing and resources for the Comptroller's Office will allow for needed reconciliations and monitoring of financial accounts. Improved automation will reduce or eliminate manual processes and establish better internal control over resources. INS has already taken steps in these areas:

- . Financial Management Information System (FMIS) distributed budget module.

The decision to become a user of the Department of Justice FMIS budget module provides several benefits. First, it promotes the long-term goal of a Departmental-wide financial management system. Second, it automates the formulation and execution processes which are currently labor-intensive, manual processes. Third, it provides a framework for implementing new budget policies.

- . Reallocation of work.

INS is pursuing a philosophy of matching work with resources through reallocation of workload. This means, for example, that if the cost of living in Orange County, CA makes it too difficult to retain quality workers - and if the work cannot be adequately completed there - the work should be reallocated to a location that can do the work. This philosophy has been implemented for some types of voucher processing, and will be expanded to improve INS performance on managing its debt collection program.

- . Resource Management Branch.

The Headquarters Resource Management Branch was established to implement the INS's policy of central control over Personal Services and Benefits funds. This change has resulted in Headquarters approval of all hiring, and imposed controls preventing the regions from unauthorized filling of positions.

- . Additional Comptroller's Office staffing.

A proposed reprogramming to provide additional positions in the regional budget and accounting offices and Headquarters will result in improved data integrity, more timely reporting, and better observance of financial regulatory requirements.

. INS is becoming more experienced with fee accounts.

For years INS was able to manage a budget based primarily on a single appropriation. Over the past five years, INS has had to implement budgetary controls over several different fee accounts with many different variations. INS has modified its budget and accounting system to cope with these changes, while at the same time facing leadership whose philosophies promoted either extreme decentralization or centralized authority.

QUESTIONS SUBMITTED BY CONGRESSMAN KOLBE

Immigration and Naturalization Service

American Baptist Church v. Thornburgh

QUESTION: The INS recently settled the ABC v. Thornburgh case. Basically this settlement will prevent INS from detaining and deporting Salvadoran and Guatemalan aliens, and these aliens would be provided with an opportunity to either re-open or initiate asylum claims. Assuming that this settlement will greatly increase the numbers applying for asylum, especially in the western part of the country, what is INS doing to implement this settlement?

ANSWER: As of April 1, 1991, the 82 member Asylum Officer Corps will be able to adjudicate approximately 65,000 cases per year at the level of quality mandated by the July 1990 final asylum rule. For the remainder of 1991 and continuing through the end of 1993, INS projects that approximately 100,000-120,000 re-adjudications and/or re-interviews will result from the ABC settlement. Projected new asylum receipts for 1991 are 70,000-73,000. Currently, there is a backlog of 97,000 pending asylum adjudications. Approximately 230,000 adjudications will have to be worked over a 2-3 year period. Funding to support this effort will come from available Examinations Fee Account resources.

QUESTION: Is the INS financially prepared to accommodate the increased asylum caseload during the current fiscal year, and does your 1992 request reflect increased asylum cases for Salvadorans and Guatemalans for the upcoming fiscal year?

Funding in the 1992 request is based on a staffing level of 183 asylum positions. This level includes 82 asylum officers plus supervisors and clerks. This staffing level can adjudicate 65,000 cases per year but does not address the backlog caseload. Funding is not available within the Refugees and Overseas program to support the processing of the backlog and the added activity stemming from the ABC case. The additional resource requirements are being determined and will be reviewed with the Department of Justice and OMB.

Staffing Issues

QUESTION: Despite the passage of the Federal Law Enforcement Pay Reform Act, the INS continues to have difficulties retaining personnel. Local law enforcement agencies are still out-bidding the INS for personnel. Is INS undertaking any additional programs to recruit and retain qualified personnel?

ANSWER: Overall, the Service is not experiencing the high attrition rates which it has in the past, particularly in the Border Patrol occupation. Border Patrol attrition has dropped dramatically, from 17.5 percent in 1989, to 6.04 percent at the end of 1990. We believe that this is largely

attributable to the fact that trainee hiring has been limited in the past two of years. For example, in 1990, only 3 classes were held. Attrition for Border Patrol trainee positions usually averages approximately 30 percent in the probationary year. It should also be noted that INS has implemented a number of initiatives in the past two of years in an effort to reduce attrition rates, such as obtaining special salary rates for trainee GS-5/7 positions; accelerated promotions once employees have completed the 6-1/2 month probationary examination, and the establishment of additional non-supervisory positions at grade GS-11. Our monitoring of this occupation has revealed a continued reduction in the attrition rate during the current fiscal year.

Over a five year period, average attrition rates for other key law enforcement occupations were: Deportation Officer, 12.23 percent; Detention Enforcement Officer, 22.60 percent; and Criminal Investigator, 8.03 percent. Fiscal year 1990 attrition rates, however, reflect some improvements for these occupations; e.g., Deportation Officer, 10.70 percent; Detention Enforcement Officer, 19.74 percent and Criminal Investigator, 6.02 percent. These improvements in attrition can be attributed to 1) approval of upgrades to grade GS-12 for significant blocks of Deportation Officer positions; 2) an overall upgrade in the investigator occupation to GS-12; and 3) an upgrade to GS-7 in 1989, and approval of a special salary rate, at certain locations in 1990, for Detention Enforcement Officer. While we realize that the attrition rate for Detention Enforcement Officers remains high, it should be noted that this represents attrition to positions both within and outside of INS. A Detention Enforcement Officer position is an excellent career entry opportunity which may be used by employees as a "stepping stone" to positions with greater responsibility.

We anticipate the locality pay adjustments, in general, and specifically those proposed for law enforcement officers in January 1992, will serve to assist in further reducing attrition for law enforcement officers at the locations identified. We also feel that if funds are available to implement other flexibilities of the law enforcement pay provisions of Federal Employees Pay Comparability Act of 1990, further reductions in attrition can be anticipated. We will also continue to explore the feasibility of accelerated promotions in connection with training agreements for other law enforcement occupations.

QUESTION: Staffing shortages have required the INS to hire part-time and temporary employees. These employees are not trained to the same level as full-time personnel. In addition, the part-time and temporary employees are being paired with new and relatively inexperienced inspectors and investigators. Further, the January 1991 GAO report indicated that 31,000 asylum cases handled by temporary personnel had to be re-examined. What is the justification for hiring part-time and temporary workers and how does INS respond to allegations that this practice is inefficient?

ANSWER: The Service uses part time and temporary employees to meet a wide range of requirements including (1) temporarily increasing staff to meet workload peaks (2) staffing those operations where funding and workload levels are uncertain or when it is anticipated that funding levels will be reduced, and (3) hiring temporary employees to perform recurring seasonal work which lasts less than six months per year. For example, part time and temporary Immigration Inspectors are employed at a number of land border ports, primarily in our Eastern and Northern Regions, year after year for use during specific seasons. During peak periods, they may work as full-time employees. Many of these individuals have been with the Service for a number of years and represent a dedicated and efficient cadre of officers. Many are recruited from the ranks of the teaching profession. They fill an important niche in the Inspections Program staffing plan. In addition to land ports, these Inspectors are also used at airports during peak traffic seasons where their employment represents a more economical alternative than the excessive use of overtime. As on the land border, most of these Inspectors have been with the Service for long periods of time, are highly motivated, and form an efficient and professional group of officers. The Service feels that its use of temporary and part time Inspectors permits it to channel its permanent resources to those locations where the need for full-time resources is most critical. It should be noted that the use of part time and temporary employees in the Investigations program is negligible. Moreover, while immigration officers who work on a part-time or temporary basis do not attend the resident Immigration Officers Basic Training Course at Glynco, Georgia, a training course, developed by the training staff at the Immigration Officer Academy, is made available periodically at various duty locations.

Organizational changes within the Service will eliminate the use of works to process the asylum cases. The INS recently settled the American Baptist Churches v. Thornburgh case. Basically, this settlement will prevent INS from detaining and deporting Salvadoran and Guatemalan aliens. These aliens would be provided with an opportunity to reopen or initiate asylum claims. The establishment of the Asylum Officer Corps has resulted in an experienced cadre of officers being developed to preclude relatively inexperienced Inspectors and Investigators from doing Asylum work.

QUESTION: Could the INS reduce the number of part-time and temporary employees in exchange for additional fully-trained personnel?

ANSWER: Some reductions in the number of part-time and temporary employees could be achieved if additional full time permanent positions were authorized. It should be noted, however, that due to seasonal fluctuations in workload at particular locations, the use of temporary or part-time employees will always be more cost effective than hiring permanent employees at these locations.

Detention Facilities

QUESTION: The January 1991 GAO report identified two INS Service Processing Centers (SPC's) that were understaffed. One of these in Florence, Arizona, could only operate at 25% capacity due to lack of staffing. The 1992 request includes funds for 155 beds and 84 additional positions at Florence. Will this increase in staff be sufficient to bring the Florence SPC to 100% of capacity?

ANSWER: Since January 1991, a contractor has been providing unarmed guard services at the Florence SPC. Since that time, the facility has been able to operate at the rated capacity of 325. The planned 155 bed expansion and 84 additional staff requested will be sufficient to operate the facility. As the additional positions report for duty, the contract guards will be reduced in number to ensure adequate coverage at the facility with proportionate INS staff.

QUESTIONS SUBMITTED BY CONGRESSMAN ROYBAL

Immigration and Naturalization Service

Citizenship

QUESTION: The INS charges fees to persons seeking to naturalize. A portion of these fees is being used to fund programs unrelated to INS citizenship, such as refugee and asylee processing. This transfer of citizenship monies has contributed to skyrocketing naturalization charges. The INS is proposing to again raise the cost of naturalization to a level 320 percent higher than 15 months ago. What portion of citizenship monies are financing other INS programs?

ANSWER: Prior to the establishment of the Examination Fee Account on October 1, 1988, fees were not collected by INS for naturalization applications. The INS benefit processing services were funded through appropriated funds.

At the beginning of 1989, the Examinations Fee Account was established, and a portion of the fees were identified and added to the appropriated funds to enhance the adjudication process. In 1990, the Examinations Fee Account became the sole source of funding for the Adjudications and Naturalization program and related support programs for the majority of INS benefits. Since the implementation of the Examination Fee Account, services have improved, and staffing levels to accommodate the workload have increased. Costs for these additional resources, along with other processing costs for all applications and petitions have risen as well.

Due to the recently passed Immigration Act of 1990, the administrative function of naturalization will be transferred to INS from the Naturalization Court system. The current Naturalization Court fee of \$50 for the processing of naturalization petitions will discontinue on September 30, 1991. A portion of the INS fee increase in the related naturalization applications is to defray added expenses caused by these additional workloads.

The non-revenue producing programs that do not support the Adjudications and Naturalization program, but receive funding from the Examinations Fee Account, are the Soviet Refugee program, the Asylum program, and the Refugee and Overseas program. Each application is assessed \$8.74 to cover these costs in the new fee structure.

The proposed increases in the majority of the fees have been caused by: increased costs in personnel services and benefits; data and communications, computer hardware and systems development; and, additional space requirements caused by rapid growth and concomitant staffing increases, (i.e., three of four Adjudications Service Centers have moved during the past year and several district offices have also moved to larger facilities). Additionally, FBI fingerprint and records checks, required for several applications,

including naturalization, have been paid for by the Examinations Fee account since 1990. These costs, previously absorbed by the FBI, have been applied to each appropriate application.

QUESTION: If citizenship fees were not helping fund refugee and asylee processing, could these fees be made more reasonable?

ANSWER: The fees for naturalization applications could be reduced if the funds expended for the non-revenue producing programs were withdrawn. This would require other fees to be increased to make up for the receipts no longer obtained from the naturalization applications.

QUESTION: The INS is mandated to conduct a national campaign of U.S. citizenship promotion by Section 406 of the Immigration Act of 1990. Section 406 authorized the appropriation of funds to carry out U.S. Citizenship promotion. The Administration, however, did not request such funds in its 1991 budget request. For 1992, will the Administration request funding for Section 406, to promote U.S. Citizenship? If not, why?

ANSWER: The Immigration Act of 1990 was signed after conclusion of the 1991 budget process. For 1992, INS is planning to request a reprogramming of the Examinations Fee Account to accommodate the impact of the new Act, including naturalization promotional funds if necessary. For future years, the required funding will be added as part of the normal budget process.

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QUESTIONS SUBMITTED BY CONGRESSMAN DICKS

Immigration and Naturalization Service

INS Inspector Levels at Sea-Tac

QUESTION: The Seattle-Tacoma International Airport experienced two-hour INS processing delays during last summer's peak hours.

When we supported repeal of the contiguous country user fee exemption last year, we were promised that such delays would be eliminated. However, I am concerned that the planned allocation of new inspectors in 1991 and 1992 will not solve Sea-Tac's delay problems.

With the planned allocation of inspectors, how long will the maximum delay be at Sea-Tac during peak hours this coming summer?

ANSWER: The 1991 staff allocation for Sea-Tac represents a 209 percent increase over prior years. This increase in staffing should minimize the delays in immigration inspections during peak hours. Passenger processing delays are not only determined by staffing but also by facility constraints, airline scheduling, weather and flight diversions, as well as other unforeseen circumstances. Therefore, INS cannot predict what the maximum delay would be at the airport.

QUESTION: If the delay is more than 45 minutes, do you anticipate that the air carriers will end up diverting traffic through other airports?

ANSWER: Since fewer delays are anticipated this summer, air carriers should not have to make these inconvenient traffic adjustments.

QUESTION: How do you plan to start calculating the 45-minutes -- when a plane lands or when passengers enter the inspection area?

ANSWER: To maintain a fair and equitable national standard, calculation will commence at the time the carrier representative presents passengers for inspection at the INS processing area.

QUESTION: The Sea-Tac inspector allocation was based on a new INS staffing model that the airport communities have been trying to see, and have input about, since last November. We finally got a copy of the model last week. The text accompanying this model indicates that, to a large degree, peaking is not taken into account: "[T]he model cannot accurately depict the effect on a lower volume airport of a large number of passengers arriving within a short time-frame." Sea-Tac is a high-volume international gateway. Yet, we've gathered that peaking is not adequately factored into the Sea-Tac allocation. Why has the INS been so reluctant to release copies of the staffing model, which is

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dated December 17, 1990?

ANSWER: First developed in late 1990, the Office of Inspections airport and seaport staffing model represented the first attempt by the INS to objectively quantify inspections program workload and staffing requirements nationwide.

The 1991 airport and seaport staffing model was finalized on December 11, 1990, and distributed only to INS Regional Commissioners and regional program managers on December 17, 1990, for internal comment. During December, the Associate Commissioner for Examinations met with the Air Transport Association (ATA) and the Airport Operators Council International (AOCI), representing the airline industry, to share the staffing model with them. The industry did not formally request the full model containing mathematical formulae until January 1991.

The INS views the staffing models as subject to continuing internal management deliberations that are within executive discretion and which should not be subject to public negotiation. Nonetheless, in compliance with Congressional concerns and to enhance cooperation with the industry on this point, on March 6 the entire staffing model, including a working copy of the first version of this model on a computer floppy diskette, was provided to both industry organizations.

INS staff subsequently met with and discussed specific aspects of the model with these groups, explaining how the computer model works. We are continuing to work with the industry to develop a consensus on estimates of airport growth for fiscal years 1991, 1992 and 1993, and to better explain how baseline productivity assumptions are arrived at for future versions of the model that are developed internally. We hope to be able to use industry supplied estimates of airport growth for the 1992-1993 version of the staffing model, now under development.

QUESTION: How useful is a staffing model, and how can the INS justify implementing a staffing plan that ignores a major reality of international air travel by substantially discounting peaking?

ANSWER: Staffing models are very important in allocating finite resources based on workload and not, as INS has done in the past, according to subjective considerations. With intense competition between airports in some geographic areas, the Federal government, and INS in particular, has a duty to allocate resources based upon objective evaluation of factors having a direct bearing on staffing needs.

The staffing model does account for the effect of "peaking." The statement accompanying this question was taken out of context, from the full explanation of how the first version of the staffing model works. INS believes that no staffing model can totally address the chaos that occurs at an airport when too many aircraft are permitted to disembark passengers in a short time frame. The Service has been unsuccessful in

attempting to get the airline industry to spread out arrivals over longer periods of time during the day to enable us to use our resources more efficiently.

When INS analyzed reported hours actually devoted to conducting inspections of arriving passengers, it was discovered that, out of a scheduled eight-hour tour of duty, Immigration Inspectors spent only 4.5 hours, on average, performing inspections. The remaining 3.5 hours were spent doing other assigned duties. In a normal office environment, this productive time increases, by over 44 percent, to about 6.5 hours, on average, for other programs within the INS. The two-hour difference is considered to have been caused by the relative inefficiency of flight arrivals when they occur in "peaks and valleys." The 4.5 hour a day average was used for all airports in the December 1990 version of the staffing model. Staffing any airport based on peak arrivals alone is an inefficient use of INS' resources. Moreover, each District Director and local manager has a variety of assets available to meet operational needs, including scheduling immigration inspectors to accommodate peaking patterns at airports, employing other than full-time immigration inspectors, and using inspectional overtime, to supplement available full-time permanent staff.

QUESTION: According to a recently released GAO report, "[i]n 1989, receipts generated from foreign visitors to the United States -- approximately \$43.8 billion -- exceeded receipts gained from any U.S. export." The same report lists Sea-Tac as one of the "largest U.S. international gateway airports." What kind of impression do first-time foreign visitors get of the United States when one of their initial experiences is to wait two hours to be processed by the INS?

ANSWER: Unquestionably long delays do not create a favorable impression. Efforts to facilitate immigration inspections such as advanced passenger information and automated equipment enhancements have been actively pursued and incorporated into the inspection process. These recent facilitative advancements and staff increases should shorten processing times.

TUESDAY, MARCH 19, 1991.

DRUG ENFORCEMENT ADMINISTRATION

WITNESSES

ROBERT C. BONNER, ADMINISTRATOR
STEPHEN H. GREENE, ACTING DEPUTY ADMINISTRATOR
**DONALD P. QUINN, ASSISTANT ADMINISTRATOR FOR OPERATIONAL SUP-
PORT**
**PHIL CAMERO, DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF INFOR-
MATION SYSTEMS**
**HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINIS-
TRATION**
**MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-
LER**
ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

1992 BUDGET REQUEST

Mr. EARLY. The meeting will come to order.

Continuing with our review of the Department of Justice, we will now hear testimony from the Drug Enforcement Administration.

The DEA requests \$747,957,000 for fiscal year 1992. We will insert in the record at this point the DEA fiscal year 1992 budget justifications.

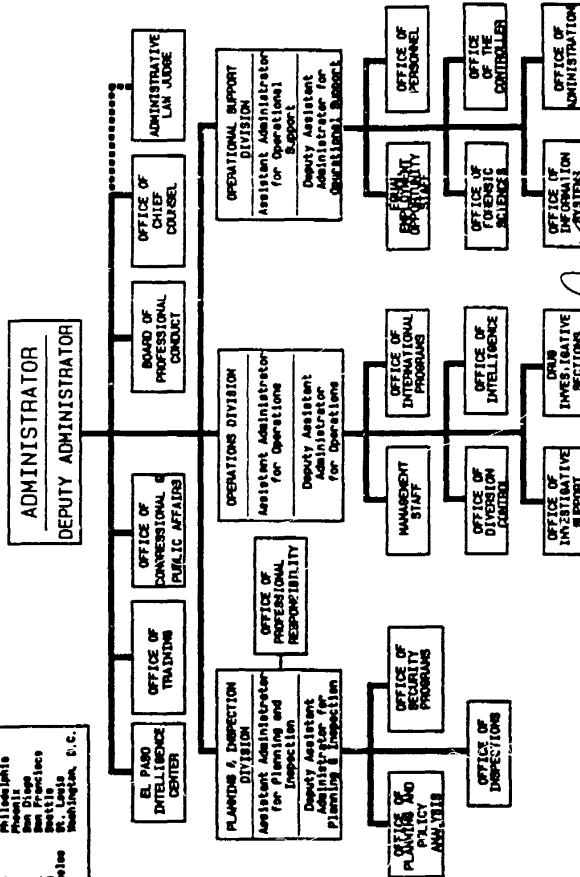
[The information follows:]

Department of Justice
Drug Enforcement Administration
Estimates for Fiscal Year 1992
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DRUG ENFORCEMENT ADMINISTRATION

STATISTICAL FIELD OFFICES
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 Washington, D.C.



Approved _____ Date 01-26-99
 DICK THOMAS JR.
 Attorney General

Drug Enforcement Administration
SUMMARY STATEMENT
Major Resource Initiatives
Fiscal Year 1992

The Drug Enforcement Administration (DEA) requests 6,359 positions (2,096 Special Agents), 6,175 workyears, and \$747,557,000. This includes program enhancements of 283 positions (134 Special Agents), 162 workyears, and \$41,535,000. The Administration is also requesting 1,103 positions (665 Special Agents), 1,033 workyears, and \$107,204,000 as part of the 1992 Consolidated Organized Crime Drug Enforcement (CODE) budget request, which includes a net increase of 114 positions (90 Agents), 57 workyears, and \$12,900,000. CODE resources are contained in the Department of Justice Interagency Law Enforcement Appropriation and will be allocated to DEA on a reimbursable basis.

In February 1990, the President returned from a historic meeting in Cartagena, Colombia, where he met with the leaders of all major drug producing countries in South America. This meeting was one in a series of extraordinary events that have demonstrated the global commitment to combatting the trafficking and use of illicit drugs. These events include the resolve and extreme courage of the Colombian government in confronting the Medellin Cartel; the arrest of Manuel Noriega and the conviction of many involved in the murder of DEA Special Agent Enrique Cumarana.

DEA continued its efforts to pursue high level drug traffickers and their organizations. In addition to the arrest of Manuel Noriega, investigations targeted at other high level individuals were also very successful. Luis Arce Gomez, the former Bolivian Minister of the Interior who controlled much of the production and exportation of Bolivian cocaine, and Jorge Roca Suarez, who established a major pipeline from Bolivia to the United States supplying significant quantities of cocaine to the Los Angeles area, are two good examples. These men have since been extradited and. Many investigative workhours have been and continue to be expended to obtain documentary and testimonial evidence in these cases.

Illegal drug production, trafficking, and abuse are global issues that promise to have a significant impact in the coming decade on all Nations and societies. Effective enforcement pressure must be focused on illegal production, trafficking, and use. This budget request will ensure that enforcement pressure is maintained, and supports the President's assertion that there will be no wakening of the federal effort to battle drugs and drug trafficking, and no retreat to end the international menace of drugs.

Throughout the last few years, DEA has stated that long-term success against drug trafficking and abuse requires a sustained commitment to the steady growth and modernization of the agency. Given the dynamic environment within which drug law enforcement must operate, growth and modernization of the agency are critical components of a comprehensive drug strategy.

Consistent and sustained growth in DEA's Special Agent workforce is required to fully implement operational plans in support of the National Drug Control Strategy. DEA's plans call for an infusion of significant levels of Special Agents over the near term. The 1991 budget request represented the first phase of this increase and targeted field division Agent shortfalls. This request includes resources for the second phase of the increase and targets drug specific problems in DEA's field divisions.

The cost of doing business has steadily increased over the years. In addition, the level of demand and degree of sophistication required of DEA's operations by the President, the Congress, and the Office of National Drug Control Policy has also grown tremendously. DEA is no longer a small agency with a single mission of drug law enforcement. DEA's mission is evolving to include intelligence sharing with other federal agencies (requiring sophisticated ADP and communications systems), hazardous waste disposal, chemical control, and demand reduction efforts.

If DEA is to be successful in this transition, additional resources will be required.

DEA's 1992 Request for Enhancements

DEA utilizes a comprehensive, agencywide strategic planning process to identify long-term policy goals and derivative management objectives. This planning process incorporates the initiatives included in the National Drug Control Strategy. DEA's 1992 budget request is a product of this integrated planning process and is designed to provide the necessary means for implementing DEA's strategy. The resources identified in the 1992 budget request have undergone close scrutiny from all levels of management thereby providing an authoritative declaration of the policy, enforcement initiatives, and the resources required to respond to the challenges confronting drug law enforcement. The requested resources support an ambitious overall plan to target and immobilize drug trafficking organizations worldwide.

Set forth below are DEA's 1992 funding initiatives. The resources within each initiative are required in order for DEA to implement its Strategic Plan and the National Drug Control Strategy.

INITIATIVE I: TARGET AND IMMOBILIZE MAJOR DRUG TRAFFICKING ORGANIZATIONS

Request: 260 positions (134 Special Agents, 131 polyesters, and \$39,261,000).

DEA and the office of National Drug Control Policy (ONDCP) have identified major drug trafficking objectives, both domestic and foreign. DEA will continue to implement the National Drug Control Strategy by targeting and immobilizing the domestic aspects of the national drug control strategy. DEA plans to target not only high intensity drug trafficking organizations (HIDTA) but also other drug trafficking organizations and significant drug trafficking. In 1992, Special Agent resources will be deployed in cities which are confronted with specific drug trafficking problems. Miami, Houston, New York, and the Southwest Border are considered the major cocaine importation and distribution centers in the United States. Deploying additional Special Agents in these areas will allow DEA to concentrate specifically on the cocaine epidemic in this country. New York, Chicago, Los Angeles, Detroit, and Washington, D.C. are experiencing increased heroin trafficking. Since heroin is generally transported in smaller quantities, drug traffickers employ many innovative and unusual drug smuggling methods such as the use of human body cavities and ingestion. Therefore, DEA's most effective weapon against heroin smuggling is the development of cases against trafficking organizations through the use of informants and intelligence gathering. Additional Agents in these cities will allow DEA to develop more informants and intelligence gathering. California and the Southwest Border are the primary areas of concern for the production and distribution of dangerous drugs. The production and abuse of dangerous drugs is almost entirely a domestic problem. The United States is the primary producer and user of methamphetamine, amphetamines, PCP, and synthetic drugs. By concentrating more Agent resources in this area, DEA can shut down the clandestine laboratories that are producing synthetic drugs for the rest of the country.

DEA will also continue to expand the State and Local Task Force program by funding seven additional task forces in 1992. This will provide an additional 84 State and Local law enforcement officers with the necessary training and resources to fight drug trafficking problems at the local level. DEA will also continue its effort in foreign countries by expanding existing offices in Brazil, Chile, Colombia, Ecuador and Guatemala. DEA will continue to expand its efforts to target international drug trafficking Act by domestic law enforcement. This will be accomplished by verifying the legitimacy of chemical importers, exporters and foreign customers of U.S. chemical exporters. This will require additional diversion investigators.

This initiative includes 111 positions (86 Special Agents) for domestic enforcement; 10 Special Agent positions for Domestic Cannabis eradication; 14 positions (12 Special Agents) for expansion of DEA's foreign offices; 36 positions (29 diversion investigators) to support the Chemical Diversion and Trafficking Act; 70 positions (26 Special Agents) to support DEA's State and Local Task Force program; and 19 positions (11 Chemists) for Laboratory support. In addition, program enhancements of \$22,000 to purchase laptop computers for the on-board diversion investigator workforce and \$2,975,000 to support State and Local officers participating in DEA's State and Local Task Force program.

In addition, DEA intends to continue its cooperative law enforcement efforts through expanded participation in the Organized Crime Drug Enforcement Task Force (OCDETF) program. In 1992, nearly 40 percent of DEA's request for Special Agent manpower is for the OCDETF program.

INITIATIVE 115 - STRENGTHEN DEA OPERATIONS THROUGH DEVELOPMENT OF DEA'S INFRASTRUCTURE

REQUIRE: 23 POSITIONS, 11 MONTHS, AND \$11,274,000.

In the past few years, DEA has experienced a surge in its Agent strength; however, there has not been a corresponding increase in administrative support positions nor funding for DEA's infrastructure to address this increase. This initiative is designed to address the need for domestic field offices; seven positions to support DEA's Office Automation Project; and four positions to support the El Paso Intelligence Center automated data processing. Also included in this initiative are program enhancements of \$172,000 for fingerprint equipment; \$1,000,000 for technical equipment to include Biased Number Recorders; \$444,000 for Air Wing operations; \$390,000 for eight staff support for the aviation program; \$750,000 for contract field information resource specialists; \$2,405,000 to support DEA's administrative support automated data processing; \$1,500,000 for a Washington area laboratory Architectural and Engineering study; \$3,100,000 to purchase replacement vehicles; and \$200,000 for medical costs associated with Hepatitis B vaccinations.

Drug Enforcement Administration
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language:

The 1992 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; expenses for conducting drug education programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed \$1,293, passenger motor vehicles of which (775) are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; (\$699,340,000) of which not to exceed \$1,000,000 for research shall remain available until expended; and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$4,000,000 for contracting for ADP and telecommunications equipment, not to exceed \$2,000,000 for technical and laboratory equipment, and not to exceed \$20,550,000 for the purchase of aircraft and equipment, shall remain available until September 30, (1992). (:) And, of which not to exceed (\$10,000,000) shall remain available until expended, for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for a new aviation facility; provided that not to exceed \$45,000 shall be available for official reception and representation expenses.

1,054
730
\$747,927,000

\$1,500,000 for an AEE study for a Washington D.C. area Laboratory
1991
\$6,000,000

(Reorganization Plan No. 2 of 1973; Reorganization Plan No. 1 of 1968; 21 U.S.C. 801-906 as amended; 40 U.S.C. 304; Department of Justice Appropriations Act, 1991; additional authorizing legislation to be proposed.)

Explanation of Changes

1. The first change reflects the authorization to purchase 1,054 passenger motor vehicles, including 730 replacement passenger motor vehicles and 324 new vehicles in of 134 new Agents, 90 ODE Agents 81 State and local police officers and 19 new diversion investigators.
2. The second change reflects the authorization to purchase 730 replacement vehicles.
3. The third change authorized two-year funding for an Architectural and Engineering study for a Washington, D.C. area laboratory.
4. The fourth change deletes the authorization for two-year funding for the purchase of aircraft and related equipment.
5. The fifth change authorizes no-year funding for the A&E study listed above.
6. The sixth change authorized no-year funding for a new aviation facility.

Drug Enforcement Administration
Salaries and expenses
Crosswalk of 1991 Changes
(Dollars in thousands)

Activity/Program	1991 President's Budget Request			Congressional Appropriation Actions on 1991 Request			1991 Adjustments in Permanent Positions and Workyears			Reprogrammings			1991 Appropriation Anticipated		
	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.
1. Enforcement of federal laws and investigations:															
A. Domestic enforcement:	2,117	1,927	\$191,956	(20)	(10)	(\$2,000)	(54)	(54)	...	(87)	(102)	(4,056)	1,956	1,761	185,900
B. SCOP:	596	577	71,950	...	...	...	...	...	...	(56)	(29)	(1,066)	540	548	70,854
C. Foreign cooperative investigations:	313	282	56,973	...	...	(3,100)	...	...	...	(6)	(5)	(564)	307	277	53,289
D. Diversion control:	603	575	42,352	2	2	...	...	...	...	(17)	(17)	(5,153)	588	560	37,199
E. State and local task forces:	311	287	41,894	...	...	...	...	...	...	97	95	2,139	408	382	44,033
Subtotal:	3,940	3,648	405,125	(18)	(8)	(\$5,100)	(54)	(54)	...	(67)	(58)	(8,750)	3,799	3,528	391,275
2. Investigative support:															
A. Intelligence:	634	599	53,155	...	...	...	...	...	...	41	41	(10,429)	675	630	42,716
B. DEA laboratory services:	285	265	22,854	...	...	...	...	...	...	12	12	(2,140)	297	277	20,714
C. DEA training:	94	82	16,883	...	...	...	...	...	...	(6)	(6)	4,273	86	76	21,156
D. RIE and technical operations:	341	325	79,940	...	...	(560)	...	...	...	17	17	16,324	358	342	95,704
E. ADP & telecommunications:	96	87	64,689	21	21	...	...	...	...	4	...	(8,912)	121	108	55,777
F. Records management:	70	66	5,241	...	...	...	...	...	...	...	...	4,079	70	66	9,320
Subtotal:	1,520	1,414	242,752	21	21	(\$60)	...	...	...	65	64	3,195	1,609	1,499	245,387
3. State & local assistance:															
A. State & local training:	30	29	3,512	...	...	...	...	...	...	...	...	...	454	30	3,966
B. State & local laboratory:	25	25	2,121	...	...	...	...	...	...	...	...	...	129	25	2,250
Subtotal:	55	54	5,633	...	...	...	...	...	...	...	...	...	583	55	6,216

Activity/Program	1991 President's Budget Request			Congressional Appropriation Actions on 1991 Request			1991 Adjustments in Permanent Positions and Workyears			Reprogrammings			1991 Appropriation Anticipated		
	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.	Pos.	WT	Ant.
4. Program direction:															
A. Executive direction & control.....	371	357	26,632	16	16	...	...	...	...	12	9	6,286	397	350	32,918
B. Administrative services.....	226	226	19,856	2	2	...	...	...	...	(11)	(15)	(1,316)	217	211	18,544
Subtotal.....	597	583	46,490	18	18	...	...	...	...	1	(6)	4,972	614	591	51,462
Total.....	6,112	5,987	700,000	19	29	(5,660)	(54)	(54)	...	...	...	...	6,077	5,672	694,310

Congressional Appropriation Action. The Congress denied 20 positions (16 agents), 10 workyears, and \$2,000,000 in the domestic enforcement program and \$560,000 in the research, engineering and technical operations program. Additionally, they directed a transfer of \$3,710,000 for Foreign Affairs Administrative Support (FAAS) cost increase to the Department of State, and restored 39 positions and 39 workyears originally proposed for reduction/privatization under the A-76 program.

Reprogramming. The data contained in this column reflects the effects of the 1990 reprogramming approved by Congress in August 1990 and a 1991 reprogramming approved by Congress in January.

Adjustments in Permanent Positions and Workyears. Fifty-four special agent positions and workyears must be reduced to offset pay raise and other unfunded costs, and allow DEA to maintain its current services level of operation.

Drug Enforcement Administration

Salaries and expenses

Summary of Requirements

(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
Adjustments to base:			
1991 as enacted.....	6,131	5,726	\$694,340
Adjustments to permanent positions and workyears.....	(54)	(54)	...
1991 appropriation anticipated.....	6,077	5,672	694,340
Mandatory increases.....	...	362	77,047
Decreases (automatic, non-policy).....	(1)	(1)	(64,965)
1992 base.....	6,076	6,033	706,422

	1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Estimates by budget activity												
1. Enforcement.....	3,799	3,528	\$391,275	3,799	3,794	\$418,868	4,044	3,917	\$447,439	245	123	\$28,571
2. Investigative support.....	1,609	1,499	245,387	1,609	1,566	225,672	1,647	1,605	233,836	38	19	8,164
3. State and local assistance.....	55	54	6,216	55	54	6,540	55	54	6,540	0	0	0
4. Program direction.....	614	591	51,462	613	599	55,342	613	599	60,142	0	0	4,800
Total.....	6,077	5,672	694,340	6,076	6,033	706,422	6,359	6,175	747,957	283	162	41,535

	1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Estimates by budget activity												
1. Enforcement.....	3,799	3,528	\$391,275	3,799	3,794	\$418,868	4,044	3,917	\$447,439	245	123	\$28,571
2. Investigative support.....	1,609	1,499	245,387	1,609	1,566	225,672	1,647	1,605	233,836	38	19	8,164
3. State and local assistance.....	55	54	6,216	55	54	6,540	55	54	6,540	0	0	0
4. Program direction.....	614	591	51,462	613	599	55,342	613	599	60,142	0	0	4,800
Total.....	6,077	5,672	694,340	6,076	6,033	706,422	6,359	6,175	747,957	283	162	41,535

EOB Employment:

	Approp.	Reliab.	Total	Approp.	Reliab.	Total	Approp.	Reliab.	Total
Full-time permanent.....	5,997	1,019	7,016	5,996	1,019	7,015	6,779	1,133	7,412
Other.....	80	...	80	80	...	80	...	...	...
Total.....	6,077	1,019	7,096	6,076	1,019	7,095	6,559	1,133	7,492

Drug Enforcement Administration
 Salaries and expenses
 Summary of Resources by Program
 (Dollars in thousands)

Estimates by Program	1990 as Enacted			1990 Actual			1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease		
	Perm. Pos.	VT	Amount	Perm. Pos.	VT	Amount	Perm. Pos.	VT	Amount	Perm. Pos.	VT	Amount	Perm. Pos.	VT	Amount	Perm. Pos.	VT	Amount
1. Enforcement:																		
Domestic enforcement.....	1,598	1,522	\$142,989	1,670	1,596	\$140,030	1,956	1,761	\$185,900	1,956	1,957	\$202,034	2,071	2,015	\$213,989	115	58	\$11,955
SEOP.....	559	551	55,160	571	544	51,864	540	548	70,854	540	566	75,489	550	571	76,766	10	5	1,277
Foreign coop invest.....	285	266	48,618	290	276	55,113	307	277	53,289	307	288	54,502	321	295	57,602	14	7	3,100
Diversion control.....	553	543	32,313	585	558	34,023	588	560	37,199	588	578	40,240	624	596	43,962	36	18	3,722
State & local task forces.....	363	346	34,479	309	296	31,538	408	382	44,033	408	405	46,603	478	440	55,120	70	35	8,517
Subtotal.....	3,358	3,228	313,559	3,425	3,270	312,568	3,799	3,528	391,275	3,799	3,794	418,868	4,044	3,917	447,439	245	123	28,571
2. Investigative support:																		
Intelligence.....	590	539	32,310	428	407	29,391	675	630	42,716	675	672	45,311	675	672	45,311	...	...	...
DEA laboratory services...	259	248	18,000	220	211	17,328	297	277	20,714	297	296	21,201	316	306	23,251	19	10	2,050
DEA training.....	66	65	18,648	93	87	15,218	88	76	21,156	88	87	21,657	88	87	21,657	...	...	...
Research, engineering and technical operations...	337	332	51,803	297	284	66,801	358	342	95,704	358	353	72,293	346	357	74,127	8	4	1,834
ADP & telecommunications...	113	104	54,308	113	108	54,012	121	108	55,777	121	112	55,517	132	117	59,827	11	5	4,280
Records management.....	70	66	8,986	78	74	9,047	70	66	9,320	70	66	9,683	70	66	9,683	...	...	...
Subtotal.....	1,435	1,354	184,135	1,229	1,171	191,797	1,609	1,499	245,387	1,609	1,586	225,672	1,647	1,605	233,836	38	19	8,164

Summary of Resources by Program, Continued
(Dollars in thousands)

Estimates by Program	1990 as Enacted				1991 Appropriation Anticipated				1992 Base				1992 Estimate				Increase/Decrease	
	Perm. Pos.	UT	Amount	Pos.	Perm. Pos.	UT	Amount	Pos.	Perm. Pos.	UT	Amount	Pos.	Perm. Pos.	UT	Amount	Pos.	UT	Amount
3. State and Local Assistance:																		
State and local training.	30	29	\$3,666	46	42	\$4,179	30	29	\$3,966	30	29	\$4,161	30	29	\$4,161	...	...	...
State and local lab services.	25	25	2,123	29	28	2,102	25	25	2,250	25	25	2,379	25	25	2,379	...	...	...
Subtotal.	55	54	5,809	75	70	6,281	55	54	6,216	55	54	6,540	55	54	6,540	...	...	...
4. Program Direction:																		
Executive direction and control.	362	362	28,866	366	369	30,487	397	380	32,918	396	388	35,703	396	388	35,703	...	...	...
Administrative services.	197	201	16,320	235	223	17,224	217	211	18,544	217	211	19,639	217	211	24,439	...	...	4,800
Subtotal.	559	563	45,206	621	592	47,711	614	591	51,462	613	599	55,342	613	599	60,142	...	...	4,800
Total.	5,407	5,199	\$48,709	5,350	5,103	\$58,357	6,077	5,672	694,340	6,076	6,033	706,422	6,359	6,175	747,957	283	162	41,535
Reimbursable workyears.	812				785			925					1,001		1,058		57	
Total workyears.	6,011				5,888			6,597					7,034		7,233		199	
Other Workyears:																		
Holiday.	72				72			80					80		80		0	
Overtime.																		
AJD.	682				685			817					813		837		24	
Other.	43				66			74					78		81		3	
Total compensable workyears.	6,808				6,711			7,568					8,005		8,231		226	

Activity: Enforcement	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MT	Pos.	MT	Pos.	MT	Pos.	MT
Domestic Enforcement.....	1,956	1,761	1,956	1,957	2,071	2,015	115	58
SEC/SEP.....	540	548	540	548	550	571	10	5
Foreign Cooperative.....	307	277	307	288	321	295	14	7
Investigative.....	588	560	588	578	624	596	36	18
Operation Control.....	408	382	408	405	478	440	70	35
State & Local Task Forces.....	3,799	3,528	3,799	3,794	4,044	3,917	245	123
Total.....	3,799	3,528	3,799	3,794	4,044	3,917	245	123

Activity: Enforcement	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MT	Pos.	MT	Pos.	MT	Pos.	MT
Domestic Enforcement.....	1,956	1,761	1,956	1,957	2,071	2,015	115	58
SEC/SEP.....	540	548	540	548	550	571	10	5
Foreign Cooperative.....	307	277	307	288	321	295	14	7
Investigative.....	588	560	588	578	624	596	36	18
Operation Control.....	408	382	408	405	478	440	70	35
State & Local Task Forces.....	3,799	3,528	3,799	3,794	4,044	3,917	245	123
Total.....	3,799	3,528	3,799	3,794	4,044	3,917	245	123

Domestic Enforcement..... 1,956 1,761 1,956 1,957 2,071 2,015 115 58

Major Objectives:

- o Investigate, arrest, and contribute to the successful prosecution of major drug violators throughout the United States.
- o Identify and seize drug, evidence and non-drug assets used in, or derived from, the proceeds of the drug trafficking activities of individuals and organizations involved in the illegal drug trade.
- o Reduce domestic production and cultivation of illicit drugs.
- o Assist Federal, State and local law enforcement agencies involved in the fight against illegal drug production, cultivation, and trafficking.

Basic Program Description: The Domestic Enforcement program includes the enforcement operation of DEA's 19 field divisions and the DEA Headquarters program coordinators. The program uses a variety of investigative tools, including confidential informants, undercover operations, and electronic surveillance, to identify and penetrate drug trafficking organizations that operate nationally and internationally. Domestic enforcement investigations also involve obtaining and using information from intelligence sources and receiving referrals from other Federal, State and local law enforcement organizations. The program's financial investigations (which involve DEA's Asset Removal Teams) identify and trace assets subject to seizure and forfeiture, and lead to the destruction of the economic base of drug trafficking enterprises.

Accomplishments and Workload: Accomplishments and workload for the Domestic Enforcement program, and the Organized Crime Drug Enforcement Task Force (OCDETF) program, are as follows:

1947

Domestic Enforcement			
Investigative Workhours			
By Case Class			
	1990** Actual	1991 Estimate	1992*** Estimate
Class I	1,297,434	1,449,181	1,611,449
Class II	237,848	257,668	285,371
Class III	129,904	241,799	207,938
Class IV	11,437	20,009	22,980
Subtotal	1,692,646	2,134,549	2,367,877
General File Workhours	289,063	443,593	487,515
Total	1,981,709	2,598,142	2,855,392
Arrests by Case Class			
Class I	5,410	4,011	6,408
Class II	1,651	2,310	2,539
Class III	1,496	2,297	2,524
Class IV	273	411	452
Subtotal	8,833	9,029	9,922
Federal Referral Arrests	1,717	1,320	1,450
Out Cooperative Arrests	3,659	4,130	4,539
Total	16,209	16,476	15,912

* Actual workload statistics for 1990 may differ from those printed in the 1991 President's Budget. BGA continues to correct actual workload statistics throughout the following year as case information develops.

** In 1990, the criteria used to determine Class I cases and violators were redefined and made more restrictive, thus reflecting lower Class I statistics.

*** 1992 Estimates have been revised since preparation of the President's Budget Appendix to reflect more recent and accurate data.

	1989** Actual	1990** Actual	1991 Estimate	1992*** Estimate
Convictions				
Federal Court	6,714	6,423	6,487	7,130
State Court	2,578	2,400	2,421	2,664
Drugs Removed				
Heroin (kilo)	631	468	473	520
Cocaine (kilo)	75,051	56,949	57,518	63,214
Cannabis (kilo)	297,305	108,254	109,337	120,162
Other Drugs (000 D.U.)	36,062	112,504	113,569	125,879
Clandestine Lab Seizures	852	451	500	600
Asset Seizures (\$000)	8211,066	8212,480	8248,055	8285,893
Organized Crime Drug Enforcement				
ODDE Cases Involving DEA	350	153	365	390
Investigative Workhours	1,170,679	1,379,104	1,453,591	1,599,994
DEA/ODDE Arrests	3,907	3,555	3,727	4,125
DEA/ODDE Convictions	2,206	2,254	2,376	2,615
Drugs Removed				
Heroin (kilo)	48	68	71	79
Cocaine (kilo)	1,895	4,186	4,412	4,857
Cannabis (kilo)	2,837	1,907	2,010	2,213
Other Drugs (000 D.U.)	4,458	4,108	4,330	4,766
Assets Removed (\$000)	\$369,704	\$454,556	\$479,007	\$527,327

* Actual workload statistics for 1989 may differ from those printed in the 1991 President's Budget. DEA continues to correct actual workload statistics throughout the following year as case information develops.

** In 1990, the criteria used to determine Class 1 cases and violators were redefined and made more restrictive, thus reflecting lower Class 1 statistics.

*** 1992 Estimates have been revised since preparation of the President's Budget Appendix to reflect more recent and accurate data.
Investigative workhours: DEA logged over 3.6 million investigative workhours through its Domestic Enforcement activities in 1990, of which, ODDE accounted for 1.4 million workhours.

Arrests and Convictions: DEA continues to show great success through its domestic investigations, including ODEI investigations. Last year, 16,136 arrests were made as a result of DEA domestic investigations. ODEI arrests accounted for 22 percent of the total. In 1990, DEA further restricted the criteria of its Geographic Drug Enforcement Program (GDEP) Class I arrest and violator categories, thus resulting in a drop in arrests for those categories and a subsequent increase in the Class II and III categories. Convictions in 1990 were slightly lower than the previous year.

Drug Seizures: In 1990, DEA seized 468 kilograms of heroin through its Domestic Enforcement activities and 68 kilograms through ODEI initiatives. Domestic cocaine seizures in 1990 totaled 61,135 kilograms. This includes 4,156 kilograms of cocaine seized through ODEI initiatives, which more than doubled the 1988 seizures.

Through its Domestic Enforcement and ODEI activities in 1990, DEA seized 110,161 kilograms of marijuana -- over 60 percent less than 1989. The significant decrease is due to the escalating demand for marijuana grown in the United States. Seizures of domestically grown marijuana are reported under the Domestic Cannabis Eradication/Suppression Program and are reflected in the accomplishments of the Special Enforcement Operations/Program decision unit. The marijuana seizure statistics reflected in the Domestic Enforcement decision unit are seizures of foreign origin. Intelligence information indicates that because of the increased quality of domestic marijuana and the decreased demand for foreign marijuana, foreign cultivators are producing less.

Dangerous drug seizures: Domestic dangerous drug seizures totaled over 116 million dosage units, which was 76 million more than were seized in 1989. Seizures of dangerous drugs typically show a significant increase. This is due to the increasing seizures of dangerous drugs, which are often very large and do not occur with any regularity. For example, the 1990 increase can be explained by a single case seizure of 90 million dosage units.

Clandestine Lab Seizures: DEA seized 451 clandestine laboratories through its Domestic Enforcement activities in 1990. This was half the number seized in 1989. There are two reasons for the decrease. First, DEA revised its definition of a clandestine laboratory, making the criteria more stringent. Also, enforcement of the Chemical Diversion and Trafficking Act of 1985 has made the acquisition of precursor chemicals more difficult for lab operators resulting in many labs either shutting down or not being started. DEA believes the decrease will level out within the next year.

Asset Seizures: Domestic Enforcement and ODEI initiatives in 1990 resulted in the seizure of assets valued at \$607 million, representing a 15 percent increase over 1989. ODEI assets accounted for over two thirds of the seizures.

Program Change:

	1992 Base			1993 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Domestic Enforcement.....	1,996	1,957	\$202,034	2,071	2,015	\$213,969	75	58	\$11,935

DEA requests an enhancement of 115 positions (66 Agents and 20 support), 57 workyears and \$11,935,000 to enhance domestic field investigative and administrative support functions. These enhancements directly support DEA's strategic planning initiatives to target and immobilize drug trafficking organizations and strengthen operations through development of DEA's infrastructure.

Field Secretary Shortfall: DEA requests four clerical positions, two workyears, and \$108,000 to address outstanding domestic clerical requirements in four resident offices. Based on DEA's Domestic Office Staffing Standards, Resident Offices with six or more professional positions assigned should have two clerical positions. This enhancement of clerical positions will bring these resident offices in to conformance with the standards.

Field Investigations: DEA requests 111 positions (66 Agents and 25 support), 56 workyears, and \$11,767,000 for field investigations within its Domestic Enforcement Program. This enhancement will support the Domestic Enforcement Program's ongoing efforts to combat drug trafficking problems. With the enhancements provided in 1991, DEA will be able to bring most of its field offices to a solid staffing level. The 1992 request will give DEA the opportunity to build upon that base staffing level and apply Agent resources to the field divisions that are most severely affected by cocaine, heroin and dangerous drug problems. A synopsis of each drug threat is presented below.

The cocaine problem in the United States continues to be of major concern. Although the cocaine trafficking situation has changed significantly over the recent months, indications are that an abundant supply of quality cocaine is available. Intelligence reports suggest that there are vast amounts of cocaine being stockpiled in Mexico and the United States. A recent example of this is last year's world record seizure of 21 metric tons of cocaine and \$12.2 million in a Los Angeles warehouse. However, DEA's and other law enforcement agencies' efforts are causing a slowing in this trend. In the past few months, quantity and purity has declined in many major metropolitan areas while wholesale prices have increased. DEA is at a significant pole of informants to provide vital information on heroin shipments and traffickers. Many heroin cases cannot be initiated or even fully investigated without additional Special Agent resources. Cities that are experiencing increased heroin trafficking, such as New York, Chicago, Los Angeles, Detroit, and Washington, D.C., need additional Agents to develop informants and penetrate the many ethnic heroin trafficking organizations.

Dangerous drugs, such as methamphetamines, amphetamines, and PCP, are still considered "blue collar" drugs because of their cheap price and association with hard-core drug abusers. Although the price remains relatively low, entrepreneurial chemists dedicated to illicit drug manufacturing are creating more powerful variations of dangerous drugs. Synthetic drugs such as fentanyl, known on the street as "China White", can be anywhere from 100 to 1,000 times more potent than the same amount of heroin.

The production and abuse of dangerous drugs is almost entirely a domestic problem. The United States is the primary producer and user of methamphetamines, amphetamines, PCP, and synthetic drugs. Most of these drugs are being produced in sophisticated clandestine laboratories located mainly in California and the Southwest, and from there, are shipped throughout the country. The majority of clandestine labs are run by free-lance chemists who are not affiliated with any particular organization. Laboratories are being destroyed at an increasing rate. This statistic, when compared to the 192 lab seizures in 1981 and the 309 seizures in 1986, shows an alarming increase in dangerous drug production.

The West Coast (San Diego and San Francisco), the Northwest (Seattle), and the Southwest (Houston and Dallas) are the primary areas of concern regarding lab activity. The Phoenix and Denver Field Divisions are also realizing increased dangerous drug activity. On the East Coast, clandestine lab activity is concentrated in the Philadelphia and Southern New Jersey area. Although DEA is seeing a decrease in the number of clandestine labs, mainly due to implementation of the Chemical Diversion and Trafficking Act of 1986, dangerous drugs are still plentiful on the streets as evidenced in 1990 by a single case seizure in San Francisco of over 90 million dosage units of dangerous drugs.

Although the Chemical Diversion and Trafficking Act is having its effect on clandestine labs, the dangerous drug traffickers are still operating their increasingly sophisticated networks. Additional Special Agents will allow DEA to intensify its dangerous drug investigations at the cities of origin so that the trafficking of such drugs can be disrupted before it reaches other parts of the country.

1991 Appropriation	1991 Actual			1992 Budget			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
SE/DEP.....	540	540	\$79,845	540	540	\$79,409	550	571	\$76,765	10	31	\$1,277

Long Range Goal: Reduce the availability of illicit drugs by immobilizing targeted organizations that are substantially responsible for the importation and distribution of drugs and by focusing enforcement operations on specific drug trafficking problems that are of significant concern to law enforcement.

Major Objectives:

- o Develop tailored initiatives to address the most significant drug trafficking problems and organizations worldwide.
- o Implement actions against identified problems/organizations to disrupt or immobilize drug production and trafficking.

Base Program Description: This program encompasses DEA's priority targeting mechanism for identifying and prioritizing action against drug trafficking problems and organizations which have the greatest impact on the U.S. drug availability. Special Enforcement Operations (SEO) and Special Enforcement Programs (SEP) are DEA's highest priority initiatives. They can be targeted at a specific problem (SEP), such as South American coca cultivation, or a particular organization (SEO), such as the Medellín Cartel. They are typically of the highest level; vary in duration; managed by headquarters drug investigation offices; and implemented by domestic and foreign field offices. SEOPs focus DEA's investigative, intelligence, and enforcement efforts on specific problems and organizations that account for large proportions of illegal drug distributed in the United States. The current program consists of 40 active SEOPs.

Accomplishments and Workload: DEA has developed a statistical workload and accomplishment reporting system for all of its 40 active SEOPs so that comparable data can be displayed within this decision unit. However, this undertaking has been difficult because objectives and performance measures will vary with each SEOP. Thus, it has taken considerable time to make the necessary substantial changes in DEA's reporting system and to ensure compliance from all field offices. To date, DEA is able to provide investigative workload and asset seizure estimates for 1990 through 1992, as shown below.

SEOP	1990 Actual	1991 Estimate	1992 Estimate
Investigative Workhours by Case Class			
Class I	222,640	230,225	179,762
Class II	11,723	12,544	9,653
Class III	9,561	10,230	9,133
Class IV	8,325	8,787	5,978
Subtotal	250,249	261,786	204,526
General File Workhours	106,423	113,873	71,076
Total	356,671	381,639	275,702
Asset Seizures (\$000)	13,480	14,502	14,119

Despite the unavailability of collective data on all SEOPs, their success and effectiveness can be shown by citing a few recent accomplishments of individual SEOPs. The accomplishments will also show the SEOPs' efficiency as many of them were established to have an immediate impact on the flow of illegal drugs before they enter the United States and eventually reach the streets. Such targeting has led to significant drug seizures, arrests, and asset seizures.

- o One SEO targeting the Medellín Cartel has to date resulted in 1,364 arrests, seizure of over 173,000 kilograms of cocaine, and \$264 million in seized U.S. currency.
- o Another SEO targeting the Cali Cartel has to date resulted in 749 arrests, 85,000 kilograms of seized cocaine, and \$94 million in seized cash.
- o The same Cali Cartel SEO, which cost \$783,000 to operate in 1990, had a single case cash seizure of \$13.7 million in October, 1990.
- o A heroin SEP, which in its two year history has cost \$439,000, has seized over \$1.8 million, 6,447 kilograms of heroin, and 11,900 kilograms of opium.

This request of ten Agents would allow DEA to assign one full-time DCE/SP coordinator each to the top ten marijuana producing states. Each coordinator will direct the statewide cannabis eradication and suppression efforts. This will include coordinating with Federal, State and local law enforcement agencies, as well as the National Guard and the Civil Air Patrol. The coordinators will report directly to the Special Agent in Charge or the Resident Agent in Charge of their assigned office.

	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease					
	Pos.	VF	Pos.	VF	Pos.	VF	Pos.	VF				
Foreign Cooperative Investigations.....	307	277	\$53,289	307	288	\$54,502	321	295	\$57,602	14	7	\$3,100

Long-Range Goal: Reduce the supply of drugs entering the United States and reduce the amount of illicit drugs cultivated, processed, and consumed worldwide.

Major Objectives:

- o Assist the United States Department of State and host country officials in efforts to reduce illicit crop production.
- o Disrupt drug trafficking as close to the source as possible. Emphasis in 1992 will continue to focus on: coordinated international operations, chemical control initiatives, and expansion of DEA's overseas presence.
- o Prevent drugs, ultimately destined for the United States, from entering international trafficking channels.
- o Develop the groundwork for international investigations by establishing informant, intelligence, and diplomatic liaison within host countries.

Base Program Description: DEA's overseas efforts are directed towards encouraging, advising, and assisting host country governments in the development of their own efforts to reduce the supply of drugs at or near the agricultural source; mobilizing foreign clandestine operation laboratories; identifying export stepping areas and interdicting the drugs; and reducing the diversion of legitimate drugs from international commerce. DEA's efforts include maintaining informants and developing intelligence that lead to cooperative arrests and drug removals in host countries and to investigations of United States distributors associated with these supply sources. DEA's presence is at the invitation of the host country. The FCIP program does not include resources provided to foreign Special Enforcement Operations/Programs (SEOPs), which are contained in the SEOP decision unit.

Accomplishments and Workload:

Foreign Cooperative Investigations*

	1989	1990	1991	1992*
	Actual	Actual	Estimate	Estimate
Workhours				
Investigative	168,573	194,557	198,047	210,607
General File	116,875	146,001	148,581	158,073
Intelligence	8,712	15,565	15,742	15,565
Unit Support	25,487	32,441	33,001	35,123
Total Workhours	320,647	388,564	385,371	419,373

Foreign Cooperative Initiatives*	1989 Actual	1990 Actual	1991 Estimate	1992* Estimate
Cooperative Arrests by Drug Type				
Heroin	578	463	471	501
Cocaine	547	678	690	734
Cannabis	123	133	133	144
Dangerous Drugs	23	32	33	33
Total Arrests	1,271	1,306	1,328	1,412
Cooperative Drug Removals				
Heroin (kilo.)	2,777	6,167	6,276	6,677
Cocaine (kilo.)	3,031	9,531	9,700	10,319
Cannabis (kilo.)	13,899	131,610	133,942	142,492
Dangerous Drugs (000 D.U.)	51,594	17,274	17,580	18,702

* DEA's statistical database are continually revised. Figures shown represent the most accurate statistics available, and may differ from those previously reported. These figures include statistics for foreign DCOs.

Increased International Cooperation: The growing momentum and increased international cooperation to combat drug abuse and drug trafficking is apparent around the world. Of note are the following recent participants in the global war against illegal drugs:

- o In 1990, DEA, with the State Department's approval, signed a Memorandum of Understanding with Soviet Customs. Liaison has been established by the Vienna Country Office with the Soviet Ministry of Interior, Customs, and the Directorate of State Security.
- o DEA is negotiating a Memorandum of Understanding on bilateral narcotics cooperation with the Government of Czechoslovakia. DEA continues to provide counter-narcotics expertise to all Eastern bloc governments via personal contact by the Country Attache residing in Vienna.
- o In 1990, the Lao People's Democratic Republic and the United States signed a Memorandum of Understanding on bilateral narcotics cooperation.
- o In 1990, the United States and the Government of Hong Kong reached a tentative agreement under the new Hong Kong Recovery of Proceeds Act. The agreement allows the United States to present to the Hong Kong courts evidence seeking forfeiture of American traffickers' assets held in Hong Kong. Assets can be held pending conviction of the trafficker where upon the assets are forfeited to the Hong Kong Government.

Chemical Diversion Prevention Efforts:

- o Under the auspices of the International Narcotics Control Board of the United Nations, DEA was a primary sponsor of a chemical control conference held in Brussels last June. Forty-two nations were present. Agreement was reached on the need to control precursor and essential chemicals commonly diverted to clandestine drug production.
- o The United States has initiated diplomatic efforts to facilitate the development of a European chemical control policy in response to evidence indicating that Andean nations are shifting to European sources for the purchase of essential chemicals.
- o DEA and the State Department are working to draft three international agreements on measures to prevent the diversion of essential chemicals. Bilateral chemical control agreements have been negotiated between the U.S. and Colombia, Peru, Bolivia, Panama, and Ecuador.

- o Part of DEA's chemical control strategy is to assist governments in Latin America in monitoring the utilization of chemicals. DEA continues to provide assistance to law enforcement agencies in Guatemala, Honduras, El Salvador, Aruba, Venezuela, and Ecuador. Automated computer databases have been developed to monitor the transshipment of chemicals through these countries.

International Drug Kingpin Brought to Justice:

- o In August 1990, Juan Ramon Mata Ballesteros, Ruben Zuno Arce, Juan Jose Bernabe Ramirez and Javier Vasquez Velasco were convicted in the Southern District of California on a variety of charges stemming from the kidnap and murder of DEA Agent Enrique Camarena.
- o In 1990, eleven Colombian and five Panamanian fugitives were arrested and extradited to the United States.
- o In 1990, Royal Thai Police, assisted by DEA Bangkok, arrested Prasert Tooyam, a major heroin trafficker and supplier to Australia and the U.S. Prasert, a primary target for over three years, has been responsible for the export of at least 450 kgs. of heroin to the west.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	VL	Pos.	VL	Pos.	VL
Foreign Cooperative Investigations.....	307	288	354,502	321	295	\$57,602
					14	7
						\$3,100

DEA requests 14 positions (12 Special Agents, 2 technical/clerical), 7 workyears, and \$3,100,000, to expand existing foreign offices in 3 countries. New Agent positions are requested to enhance successful programs with personnel shortages in: Brazil (2 Agents), Chile (1 Agent), Colombia (3 Agents), Ecuador (3 Agents), and Guatemala (3 Agents).

Foreign Expansion: No nation can assume the burden of combating drug trafficking alone. Instead, all nations must be encouraged to engage their own resources in efforts to defeat the illicit drug trade. DEA plays a crucial role in educating foreign law enforcement officials and providing them with resources to cooperate with foreign governments in order to identify and, whenever possible, assist to disrupt the production and trafficking of illicit drugs. To carry out this mission, DEA currently occupies 70 offices in 48 countries.

The breadth of DEA's overseas mission requires the deployment of this manpower in production, staging, and transshipment countries based on known trafficking patterns and trends. But DEA must also anticipate the evolution of trafficking trends and be prepared to assign new resources as necessary.

Recognizing the transient nature of trafficking patterns and the continuing threat of cocaine, this request seeks to strengthen DEA's presence in Central and South America. New Agent positions are needed to provide adequate staffing in five of DEA's busiest foreign offices, including:

Brazil: Brazil is a major transshipment country for cocaine which originates in Colombia, Bolivia, and Peru. The country's immense size and vast uncontrollable borders provide an attractive environment for staging cocaine shipments. Brazil is also a major producer of ether and acetone (used to produce cocaine HCI), a significant coca cultivator country, and a large producer of marijuana. DEA's Brasilia Country Office is functioning at capacity to meet existing workload requirements. Five Agents must cover all of Brazil. This involves a lot of time lost to traveling. In 1989, these Agents made a total of about 45 trips to Rio de Janeiro and Sao Paulo, each lasting from two to three days. This request is for two additional Agent positions so that one can be assigned responsibilities in Rio de Janeiro and one in Sao Paulo.

Chile: Chile's 5,000 kilometer border in the east with Argentina, Bolivia, and Peru and the equally long coast on the west place Chile in danger of becoming a staging area for maritime smuggling from Colombia and Bolivia to the United States. DEA intelligence is compiling growing evidence that

- o Assess the ability of the States to control diversion and assist them in their drug and chemical diversion control efforts.
 - o Identify all new substances which are being abused or have abuse potential, determine their placement in the appropriate Controlled Substances Act schedule and establish manufacturing quotas.
 - o Respond in a timely fashion to all requests concerning drug control issues and import/export data.
 - o Register all legal handlers of Schedule I and II controlled substances.
- Basic Program Description:** The Diversion Control Program seeks to reduce the diversion of legitimately produced controlled substances into illicit channels at all levels of distribution and to provide leadership and support to ensure that State and local agencies and the pharmaceutical industry establish and maintain programs and policies to control diversion. The Diversion Control Program includes the following:
- o Criminal Diversion Investigations: An estimated 12,000 practitioners are involved in activities that violate the Controlled Substance Act (CSA). Under the Targeted Registrant Investigation Program, DEA identifies the highest level violators responsible for large scale diversion and conducts high quality and timely criminal investigations of their diversion activities.
 - o Public Interest Revocation Investigations: DEA may deny an application for registration or immediately revoke or suspend a registration if it is determined that the issuance would be inconsistent with the public interest.
 - o CSA Mandated Cyclic Investigations: Cyclic investigations ensure that diversion does not occur at the manufacturer, distributor or wholesale levels of the distribution chain.
 - o Pre-registrant Investigations: Pre-registrant investigations ensure that only qualified individuals or companies are authorized to acquire or dispense controlled substances.
 - o State and Local Assistance: DEA assesses State programs aimed at suppressing the diversion of controlled substances from scientific, medical, research and legitimate distribution channels. In addition, the State Assistance Program provides expertise, leadership and guidance to the States consistent with national objectives.
 - o Drug Scheduling: DEA is responsible for determining the appropriate placement of controlled substances on the CSA Schedule. There are five established schedules, each of which imposes varying degrees of control over prescribing, distributing, producing, reordering and providing physical security.
 - o Chemical Act: DEA receives and determines the legitimacy of all import/export declarations of listed chemicals, including foreign firms importing U.S. chemicals. DEA has the authority to stop suspect chemical shipments, to reject applications by chemical companies for "regular customer" status, and to follow up clandestine laboratory seizures to determine chemical supplier culpability, if any, in the diversion of listed chemicals. In addition, DEA is required to audit all U.S. chemical companies once every three years.

Accomplishments and Workload:

Practitioner Investigation Program: During 1990, 1,405 criminal diversion investigations and 429 public interest revocation investigations have been conducted. These investigations resulted in the arrest of 322 individuals and fines and seizures totalling almost \$20 million. Also during 1990, 215 Orders to Show Cause were referred and 39 administrative hearings have been held.

Non-Practitioner Investigations Program: During 1990, 840 cyclic investigations were conducted resulting in 406 letters of admonition being issued.

The non-practitioner investigations program also includes investigations of firms or individuals applying for initial DEA registration or a change in their current registration. There were 1,378 pre-registrant investigations conducted during 1990.

Chemical Control Program: During 1990, the Chemical Diversion and Trafficking Act was employed increasingly to bring charges against chemical distributors. As a result of this and related activities, there appears to be approximately 35 percent decline in seizures of clandestine laboratories in the United States.

Also as a result of DEA investigations, 70 percent of Colombian customers for United States chemicals have been denied regular customer status. This has resulted in a 65 percent reduction in chemical exports to Colombia. In addition, a nation-wide survey of chemical handling and distribution is being conducted. During the course of the survey, approximately 3,000 firms were informed of their obligations under the new law and it appears that chemical distribution has been significantly tightened.

The United States has also entered into bi-lateral chemical agreements with Peru, Bolivia, and Panama. The United States and Canada have tentatively agreed to language for a bi-lateral agreement. The United States has recently established dialogue with Ecuador on this topic.

State and Industry Programs: The Fifth National Conference on Drug Diversion and Control for State officials was held in September, 1990. In Ft. Lauderdale, Florida, in November, 1990, the DEA conducted a meeting with the State of New Orleans. It was agreed that major advances had been achieved due to the Chemical Diversion and Trafficking Act and the cooperation between industry and DEA.

Drug Scheduling and Quota Programs: DEA initiated two scheduling actions in 1990. The hallucinogenic substance N,N-dimethylamphetamine was placed into Schedule I and the review and proposal to transfer the Schedule III depressant, glutathione, to Schedule II was completed. DEA worked with the World Health Organization on the review of 37 benzodiazepines being considered for control under the Convention on Psychotropic Substances.

Approximately 1,081 permits were issued by DEA for the importation and exportation of controlled substances in 1990. Over 1,500 import and export applications were processed by DEA during this time period. During 1990, DEA established approximately 900 procurement and manufacturing quotas and processed over 500 sample chemical and prescription drug product applications.

Regulatory Support Program: DEA processed 275,000 new and renewal registration applications. In addition to restricting access to controlled substances to a limited number of qualified applicants, this program also provides for an annual income of approximately \$16 million which offsets the cost to the government of registration and diversion investigation programs currently these funds are deposited in the General Fund of the U.S. Treasury). This program was also responsible for the issuance of 355,000 order form books for the purchase of Schedule I and II substances during 1990, and the issuance of 92,000 order form requests. In addition, 99 certified statements for use in Federal and State judicial proceedings were issued and responses were prepared for 30 requests from various State agencies for controlled substances Act master file lists.

Over 16 million Automatic of Records and Consolidated Orders System transactions were processed in 1990. ABCOS data were used to identify and target diversion of controlled substances for criminal investigations. Drug distribution sales profiles were developed for 263 registrants through the use of ABCOS data. During 1990, approximately 1,400 change, additions, or deletions were made to the ABCOS New Drug Code dictionary.

Investigative accomplishments of the Diversion Control program are presented in the following table:

	1989 Actual	1990 Actual	1991 Estimate	1992+ Estimate
Cycl : Investigations	843	840	850	970
Criminal Diversion Investigations	1,305	1,305	1,305	1,305
Registration Investigations	1,305	1,305	1,305	1,305
Public Information Investigations	441	429	452	450
Chemical Diversion Investigations	...	...	42	104

* 1992 Estimates have been revised since preparation of the President's Budget Appendix to reflect more recent and accurate data.

Program Change:	1992 Perms. Posits.	1992 VF Posits.	1992 Amount Posits.	1992 Perms. Posits.	1992 VF Posits.	1992 Amount Posits.
Diversion Control.....	566	576	840,240	624	596	843,722

DEA requests 36 positions (29 Diversion Investigators and 7 support), 18 workyears, and \$3,722,000 including \$722,000 for laptop computers. This directly supports DEA's planning initiative to fully implement the Chemical Diversion and Trafficking Act of 1988.

Domestic Chemical Diversion Control: Chemicals are critical to the production of illegal drugs. Much of the cocaine smuggled into the United States is processed with chemicals exported by American companies, and nearly all methamphetamine, LSD, and PCP are illegally manufactured using chemicals from domestic suppliers. The Chemical Diversion and Trafficking Act of 1988 directs DEA to identify and monitor chemical suppliers, conduct audits to control the export of cocaine and other drugs, and then investigate and prosecute the manufacturers, shippers, importers, and exporters of illegally diverted shipments.

It is estimated that more than 6,000 chemical suppliers, including manufacturers, exist in the United States. These firms must be audited once every three years. A modified cyclic investigation program must be conducted on a routine basis to ensure that all chemical suppliers and manufacturers are complying with the Act and implement necessary provisions of the regulations. These audits will also enable the investigator to examine patterns of distribution and to collect vital intelligence/leads critical to DEA's domestic and foreign enforcement operations. In addition, following the seizure of a clandestine laboratory, DEA diversion control personnel will conduct an investigation to determine if the chemical supplier is in violation of the Act.

The import/export provision of the Act requires that DEA determine the legitimacy of chemical importers, exporters, and foreign customers of U.S. chemical exporters. This includes monitoring outgoing chemical shipments and identification of source companies for suspect shipments of cocaine, essential chemicals originating or transiting through the United States. DEA requests 30 positions (24 diversion investigators and six support) to implement the domestic portion of the Chemical Act.

Foreign Chemical Diversion Control: Verifications of legitimacy, chemical tracking, monitoring, and defining points of diversion of the listed chemical are ongoing requirements of an effective chemical control program. Increasing demands for the diversion control expertise worldwide continues at a rate that DEA is unable to satisfy. The use of domestic field office resources will not meet the demands of the program.

In addition, it is expected that there will be a major decline in the supply of U.S. chemicals available for illicit drug production. To fill the void, traffickers will naturally turn to European and Asian suppliers. Chemical control programs need to be in place before this trend takes effect. DEA requests six positions (five diversion investigators and one support) to implement the foreign portion of the Chemical Act.

Laptop Computers for Current Diversion Investigators: Equipped with nothing more than a note pad and a hand-held calculator, DEA diversion investigators are handicapped in their efforts to keep accurate data for each of the 15,000 different controlled substances on file. These records must be sorted by drug type, dosage strength, quantity of dosage units, date of manufacture or sale, name of prescribing physician, patient name, dispensing pharmacy or consignee, etc. To perform these tasks manually requires an inordinate amount of manpower and creates a margin of error that should not exist.

The investigative equipment available to field diversion investigators has not improved since the inception of the Diversion Control program in 1970. Twenty years later, on-site investigations are still completed with a hand-held calculator.

This is unacceptable given the reasonably inexpensive technology available today, and considering that most State boards of pharmacy throughout the country continue to require diversion investigators to conduct their investigations with the limited technology of 20 years ago. DEA investigators are at a distinct disadvantage in conducting complex investigations of major pharmaceutical and chemical firms. DEA requests \$725,000 to purchase laptop computers for its on-board diversion investigators workforce.

	1991 Appropriation			1972 Base			1972 Estimate			1990/91 Estimate		
	Perm.	VE	Amount	Perm.	VE	Amount	Perm.	VE	Amount	Perm.	VE	Amount
State & Local Task Forces.....	400	300	\$44,333	400	400	\$44,000	470	440	\$55,120	470	45	\$4,517

Local/State Goal: Facilitate a maximum contribution from State and local governments and engender intergovernmental cooperation in order to reduce drug availability and immobilize major drug trafficking organizations at all levels.

Major Objectives:

- o Conduct quality investigations leading to the arrest, prosecution, and conviction of drug traffickers, as well as the financial immobilization of their organizations.
- o Establish and maintain an effective intelligence exchange with participating State and local law enforcement agencies in order to enhance and expand the Federal drug law enforcement intelligence network.
- o Develop intelligence and investigations that become a springboard for more complex Federal investigations, launched as a result of the initial efforts of a task force.
- o Continue to increase the percentage of Class I and II cases and arrests.

Task Force Description: The State and Local Task Force program effectively enlists the resources and support of State and local enforcement agencies in Federal drug enforcement efforts. The task force program assists in fulfilling DEA's responsibility to provide a diverse, creative, and all-encompassing Federal response to the multi-faceted and complex drug problem. By working together, DEA Agents and State and local police officers achieve increased cooperation and communication that aids the investigative process at the working level to help make DEA's cases more productive. The program expands the workforce under DEA's supervision; provides State and local officers special equipment and conveniences then needed for DEA undercover operations; contributes substantial intelligence to DEA's data base; and achieves enhanced cooperation with local banks, thus improving DEA's ability to obtain emergency fiatrolls and temporary storage of monies.

consistently increased its statistical accomplishments in primary arrests, total arrests, and asset seizures.

In addition to direct contributions, the program also makes significant indirect contributions through the development of intelligence and generation of gateway cases (those that become a springboard for higher level investigations). A total of 10 percent of DEA's ODC cases in 1990 were gateway cases (10 cases out of 100). This percentage is significantly higher than the 5 percent of gateway cases in 1989. The increasing relationship with an expanded number of State and local agencies, as well as the liaison and goodwill generated, cannot be easily measured.

Program Change:

	1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
State & Local Task Forces.....	409	405	\$46,603	478	440	\$55,120	70	35	\$8,517

DEA requests 70 positions (26 Special Agents and 44 support), 35 workyears, and \$8,517,000 to fund seven additional State and local task forces. Of the total request, \$2,976,000 is included as special funding to purchase cars, radios, and other equipment to support the participating State and local officers. This request directly supports DEA's strategic planning initiative to target and immobilize major drug trafficking organizations through expanding DEA's cooperative drug suppression/enforcement programs.

Expand the State and Local Task Force Program: DEA requests 34 positions (26 Special Agents and 16 support), 16 workyears, and \$6,731,000 to fund seven additional State and local task forces. Of this amount \$2,976,000 is included as special funding to purchase cars, radios, and other equipment to support the participating State and local officers.

The Office of National Drug Control Policy has designated five areas as "High Intensity Drug Trafficking Areas" and has targeted these areas for enhanced funding and personnel through cooperative law enforcement efforts, such as DEA's State and Local Task Force Program. The State and Local Task Force program is emphasized in the National Drug Control Strategy as a major component of the national strategy and its expansion is identified as a major funding priority.

DEA anticipates receiving additional funds from the Office of National Drug Control Policy in both 1991 and 1992 for HIDTA-related initiatives. These initiatives could include such things as resources for State and local task forces.

Although drug abuse has been traditionally considered an urban plague, it has now become a problem in more rural areas as well. The drug surge has put significant pressure on local law enforcement officers. These officers often lack the training, manpower or resources to launch an effective attack against the criminals in their communities. Mounting a successful attack on major trafficking organizations requires a combined effort between Federal, State, and local law enforcement. DEA's State and Local Task Force program plays a major role in engendering intergovernmental cooperation between Federal and State and local law enforcement agencies by facilitating the immobilization of drug trafficking organizations, at all levels, throughout the United States.

DEA formally established a provisional task force program to better manage the growth and performance of the State and Local Task Force program. The provisional program serves as a vehicle for the State and Local Task Forces to receive additional funding and personnel. The program is designed to ensure that the task force must prove that it can perform at a level comparable with other program-funded task forces. Performance is regularly assessed and a decision is made at the end of the provisional period to fund or disband the task force.

DEA anticipates that seven provisional task forces will be eligible for program status in 1992. This will result in the participation of approximately 64 additional State and local law enforcement officers in seven different areas of the country. Although demands by State and localities are substantially greater, DEA will continue to restrict the growth of the task force program by using the provisional concept to ensure that the program is well managed and that the resources devoted to it are used effectively.

Accomplishments and Workload:

Workload statistics for the State and Local Task Force program are presented below:

	1990 Actual	1991 Estimate	1992* Estimate
State and Local Task Forces*			
Investigative Workhours			
by Case Class			
Class I	245,345	234,361	262,163
Class II	65,776	65,356	101,050
Class III	47,676	40,393	83,352
Class IV	10,342	19,362	21,666
Subtotal	369,139	424,966	478,413
General File Workhours	33,560	36,523	40,861
Total	402,700	461,524	519,274
Arrests by Case Class			
Class I	2,816	1,480	1,484
Class II	1,431	1,401	1,572
Class III	1,707	1,777	1,989
Class IV	1,043	1,201	1,628
Total	6,995	6,161	6,895
Convictions			
Federal Court	1,077	2,311	2,584
State Court	2,081	2,263	2,537
Drugs Removed			
Heroin (kilo)	100	102	114
Cocaine (kilo)	5,685	10,545	11,796
Cannabis (kilo)	41,425	33,933	37,955
Dangerous Drugs (000 D.U.)	68,186	33,672	37,666
Asset Seizures (\$000)	\$135,216	\$142,303	\$163,000

* DEA's statistical databases are continually revised. Figures shown represent the most accurate statistics available.

1990 was the twentieth anniversary of the State and Local Task Force program. The program continued its success by providing an increased level of cooperation between Federal, State, and local law enforcement organizations, increased intelligence generated at the State and local level, and increased return on investment in terms of asset seizures. There are currently 71 task forces of which 32 are program funded and 19 are provisional. The task forces include 200 DEA Special Agents and 750 State and local police officers. By the end of 1991, DEA expects to have 60 program funded task forces.

With an investment of nine percent of DEA's agent resources in 1990, the task forces produced 39 percent of DEA's Class I and II arrests, 24 percent of total DEA arrests, and 17 percent of DEA's total asset seizures. Since its inception in 1970, the State and Local Task Force program has

Clerical Staffing Shortfall: DEA requests 38 clerical positions, 19 workyears, and 1,736,000 to provide adequate clerical support to existing State and local task forces.

Since the inception of the provisional task force program, 24 provisional task forces have become program funded. In addition to adding new task forces to the program, existing task forces have been expanded. The number of Special Agents assigned to the task forces has tripled during this time while clerical support has remained stagnant. Normally the task force groups are staffed with two to three DEA Special Agents and six to ten state and local police officers. Despite this level of staffing, the groups usually include only one DEA clerical position with the participating agencies expected to provide additional clerical support. The ratio of clerical positions to DEA Special Agents/state and local task force officers in the task force groups averages 1:13 with extreme cases in the Los Angeles, Phoenix, and St. Louis Divisions (1:16.5, 1:18, and 1:22, respectively). This request will provide additional clerical support to the task forces with the most acute need.

Activity: Investigative Support	1991 Appropriation Available			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Intelligence.....	297	277	842,716	297	296	841,311	312	302	845,311	15	25	4,000
Investigative Services.....	297	296	21,714	297	296	21,714	312	302	21,714	15	10	82,000
DEA Training.....	88	76	21,156	88	87	21,657	88	87	21,657	0	1	...
Research, Engineering & Technical Operations.....	358	342	95,704	358	353	72,293	366	357	74,127	8	15	1,834
APR & Telecommunications.....	121	108	55,777	121	112	55,547	132	117	59,327	11	5	4,280
Records Management.....	70	66	9,328	70	66	9,663	70	66	9,663	0	4	...
Total.....	1,609	1,469	245,387	1,609	1,586	225,672	1,647	1,605	233,836	38	19	8,164

Activity: Support	1991 Appropriation Available			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Intelligence.....	675	630	842,716	675	672	845,311	675	672	845,311	0	...	...

Long-Range Goal: Identify, develop, and exploit information and intelligence necessary to enhance effectiveness of drug law enforcement.

Major Objectives:

- o Provide tactical intelligence on the location and movement of specific targets which require an immediate law enforcement response.
- o Collect, analyze, and disseminate drug-related intelligence in direct support of investigations.
- o Provide intelligence support for money laundering cases and develop profiles and trends analyses to target enforcement efforts in money laundering investigations.
- o Provide intelligence to support enforcement of the Chemical Diversion Trafficking Act.

- o Provide current and comprehensive strategic intelligence on drug trafficking patterns and trends for use in DEA and national drug control policy planning.

Basic Program Description: DEA's Intelligence Program is comprised of four components: financial, operational, and strategic intelligence, and the El Paso Intelligence Center (EPIC). Each serves a vital investigative support function.

The financial intelligence program focuses on the fiduciary aspects of the drug trade. The program supports enforcement efforts by providing direct case support through the identification of assets and the development of financial conspiracy investigations.

The operational intelligence program exploits information available to DEA in direct support of a five drug investigations. Such support is provided through the collection, collation, and analysis of the vast (and often conflicting) available information linking events and individuals involved in drug trafficking.

The strategic intelligence program develops comprehensive assessments of drug trafficking patterns, availability and consumption trends, and long-range supply reduction assessments.

EPIC is a multi-agency facility providing the law enforcement community with all-source tactical intelligence pertaining to the interdiction of drugs, weapons, and aliens. EPIC provides 24-hour, 7 day-a-week support for drug law enforcement and interdiction operations.

Accomplishments and Workload:

El Paso Intelligence Center (EPIC):

- o In 1990, 653,093 information queries were made by participating agencies. EPIC lookouts have been instrumental in seizures of 10.4 kilograms of heroin, 25,667 kilograms of cocaine, 32,918 kilograms of marijuana, 30 aircraft, 67 vessels, 5 vehicles, a weapons, and \$746,000. The foregoing seizure figures reflect only those seizures which were the result of active lookouts. EPIC provides continuous operational and analytical support to several multi-agency efforts to locate and destroy clandestine cocaine laboratories in South American source countries; to multi-agency efforts targeting drug interdiction along the Southwest border; and to interdiction efforts across the interstate and state highway systems.

Operational Intelligence:

- o In 1990, the Operational Intelligence program provided analytical support to a wide variety of investigations. Support included intelligence file reviews, telephone toll analysis, document analysis, informant debriefings, and coordination between Headquarters and the field. This assistance contributed to hundreds of Class I arrests, along with significant seizures of drugs and the forfeiture of millions of dollars in assets.
- o Intelligence support in a major domestic marijuana investigation has led to the identification and targeting of many businesses. Through 1990, the operation has resulted in 453 arrests, closure of 358 indoor growing facilities, and seizure of 50,794 marijuana plants and assets totaling over \$9 million.
- o In 1990, intelligence analysts conducted case analyses and extensive file research to assist several domestic offices in the successful indictment of approximately 40 individuals suspected of smuggling Southeast Asian marijuana to the United States. These investigations have resulted in seizures of 305 tons of marijuana and assets totalling \$94 million to date.

- o Intelligence analysts have conducted extensive file research on principal members of the Medellin and Cali Cartels. This intelligence was used to identify and locate individuals and entities involved in the drug trade. Intelligence was also used to identify and locate individuals and entities involved in the drug trade. Intelligence was also used to identify and locate individuals and entities involved in the drug trade.

Financial Intelligence:

- o In 1990, DEA intelligence analysts increased liaison with their foreign counterparts in an effort to provide guidance on drug money laundering issues. Several European nations have expressed interest in working more closely with DEA in the coming years. Ongoing cooperation with these nations has been fruitful. One investigation has already led to the freezing of nearly \$70 million belonging to the Cali, Colombia cocaine cartel.
- o DEA's financial intelligence program continued its support of asset sharing with the Government of Colombia. In 1990, over \$230 million was seized directly from Colombian traffickers; future sharing of proceeds will considerably augment Colombia's ability to combat the cartels.

Strategic Intelligence:

- o The Strategic Intelligence program prepared numerous drug situation reports and drug threat assessments relating to new trends and trafficking patterns, including Worldwide Cocaine Situation Report, Mexico: A Threat to Cocaine, and the Guadalajara Laboratory Salvo Report. These reports are widely distributed to the intelligence and law enforcement communities and are furnished to senior policy making officials.

- o DEA's Strategic Intelligence program coordinated closely with the State Department and the CIA in monitoring drug cultivation and production throughout the world. DEA worked closely in the State Department's preparation of the annual International Narcotics Control Situation Report (INCS) and coordinated the 1990 publication of the annual National Narcotics Intelligence Conference Report (NNICR).

Special Field Intelligence Program (SFIP):

- o SFIP's are probes that gather strategic, operational, and tactical intelligence to support DEA investigations, programs, special operations, and management of resources. The program plays a significant role in the development of confidential informants and serves as a catalyst for many DEA initiated investigations.

	1991 Appropriation			1992 Estimate			1993 Estimate		
	Pos.	VT	Amount	Pos.	VT	Amount	Pos.	VT	Amount
Laboratory Services.....	297	277	\$20,714	297	296	\$21,201	316	306	\$23,251
								19	10
									\$2,050

Long Range Goal: Provide required laboratory support to ensure maximum achievement of enforcement, intelligence, and diversion control activities.

Major Objectives:

- o Provide timely analysis of DEA, FBI, and other Federal agency drug evidence.
- o Provide expert testimony in court cases.

- o Provide field assistance (clandestine laboratory investigations and seizures, and crime scene searches for trace drug evidence and fingerprints) to DEA and FBI Special Agents.
- o Assist DEA and the FBI in the development of conspiracy cases, monitoring of foreign drug distribution patterns, determination of origin of controlled substances by conducting in-depth signature analysis and ballistics examinations of DEA and FBI evidence (including tablets, capsule, and papers).
- o Assist other Federal agencies in forensic drug examinations and improve forensic drug capabilities of law enforcement agencies worldwide through training and interagency conferences.
- o Conduct research on new analytical techniques and monitor the emergence of new drugs of abuse.

Base Program Description: This program provides laboratory support services for the enforcement, intelligence, and diversion control activities of DEA. Enforcement activities are supported by the timely analysis of drug evidence by forensic chemists and presentation of expert testimony in court; by providing field assistance to agents on clandestine laboratory investigations and crime scene searches for trace drug evidence; and by conducting ballistics, in-depth and signature analysis for the development of conspiracy cases. Intelligence activities are supported through the heroin signature analyses which show the origin of the controlled substance and highlights foreign drug distribution patterns. Intelligence activities are also supported through the signature analyses of the Domestic Monitor Program which tips monitor domestic drug distribution patterns and identify sites at the retail level. The Domestic Monitor Program provides ballistics and signature analysis of illicitly produced drugs, including the identification of counterfeit reference material of tablets, capsules and papers which provide information on illegal distribution of illicitly produced drugs, and the identification of counterfeit reference material of tablets, capsules and papers which provide information on illegal distribution of illicitly produced drugs. Identified Crime Drug Enforcement Task Forces and to the FBI, which has concurrent jurisdiction to the enforcement of Federal drug laws, and provides support to other Federal law enforcement agencies that do not have their own forensic drug examination capability or that require the special expertise of DEA forensic scientists.

Accomplishments and Workload:

DEA laboratories analyzed 30,123 exhibits of evidence in 1990, of which 2,718 were for the FBI and 3,356 were from other Federal efforts. While the number of exhibits submitted by the FBI decreased 33 percent from 1989, other Federal submissions increased 85 percent. In 1990, DEA chemists testified in 1,350 trials and conducted 1,600 ballistics examinations, an increase of 44 percent over 1989. DEA laboratories also identified 25 new illegal prototypes of tablets, 19 new types of LSD blotter paper that have entered the illicit drug market, and added 286 logos to the New Packaging Logo file in the ballistics data base.

In 1990, DEA chemists provided field assistance in 239 clandestine laboratory investigations and seizure searches. DEA laboratories also conducted 751 Heroin Signature analyses and developed or presented 14 new methods for the identification or analysis of drugs to the international forensic community. Work continued in 1990 on the identification of new controlled substances.

Projected workload for the DEA Laboratory program is as follows:

Item	1990	1991	1992
	Actual	Estimate	Estimate
Analyzed Exhibits	30,123	38,000	41,000
Court Appearances	1,350	1,500	1,500
Field Investigations	239	300	325
Ballistics Examination	1,600	1,800	2,000
Heroin Signature Analysis	751	900	1,000

- Field Assistance includes involvement by chemists in clandestine laboratory investigations and vacuum searches for controlled substances.

Program Change:	1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	VT	Amount	Pos.	VT	Amount	Pos.	VT	Amount
Laboratory Services.....	297	296	\$21,201	316	306	\$23,251	19	10	\$2,050

DEA requests 19 positions, (1) chemists, eight support) 10 workyears, and \$2,050,000, including \$172,000 in special funds for fingerprint equipment. This request directly relates to DEA's strategic planning initiative to expand DEA's technical support.

Fingerprint Equipment: DEA requests \$172,000 in special funding to purchase fingerprint development and identification equipment.

At a crime scene, a variety of evidence exists pertaining to the operation and individuals involved, in addition to the controlled drug evidence. Repeated requests from enforcement personnel and Assistant United States Attorneys (AUSA) indicate that a strong need exists to directly link suspects to the crime scene. Latent fingerprint analysis can provide this link. However, it is currently done using unsophisticated equipment and supplies, thereby limiting effectiveness. The fingerprint technician must visually scan the crime scene to determine where the latent fingerprints are. New fingerprint equipment will allow the fingerprint technicians to rapidly scan certain types of packages and surfaces to develop latent fingerprints and provide a more effective means of comparing latent fingerprints.

Three laboratories will require a laser latent fingerprint unit at a cost of \$53,333 each and a low-powered comparison microscope at \$4,000 each. The laser equipment is used by the FBI Identification Division and many State crime laboratories and is considered to be standard equipment. DEA does not have this capability at this time.

Support for 1992 Enhancement: DEA requests 19 positions (11 chemists and eight support), 10 workyears, and \$1,876,000.

DEA's forensic chemists provide direct support to Special Agents in the field through the analysis of drug evidence and court testimony. When DEA's forensic chemists analyze evidence, they provide information to the field regarding the nature of the evidence and the results of the analysis. In 1992, DEA is requesting an enhancement of 224 Special Agent positions, including 90 Special Agents in the field. In addition, there will be 64 more State and local officers participating in DEA's State and Local Task Force program. DEA is also charged with providing analytical laboratory support for all federal drug law enforcement agencies. In 1990, submissions by other Federal agencies increased by 85 percent. Therefore, DEA requests 11 additional chemists, five research technicians, and three clerical positions to support the new positions.

1991 Appropriation	1991 Anticipated			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	VT	Amount	Pos.	VT	Amount	Pos.	VT	Amount	Pos.	VT	Amount
DEA Training.....	86	76	\$21,156	86	87	\$21,657	86	87	\$21,657	...	...	...

Long Range Goal: Establish, maintain, and enhance the mission-related skills of DEA personnel to carry out their work responsibilities.

Major Objectives:

- 0 Provide high quality entry-level training for all Special Agents, diversion investigators, intelligence analysts, and forensic chemists.

- o Offer advanced and specialized in-service training to all DEA investigative personnel in order to provide the most current enforcement, firearms, and safety instruction available.
- o Provide supervisory, mid-level management, and executive development training for appropriate agency personnel.
- o Provide foreign language training for all DEA personnel in need of such training.
- o Provide firearms training and weapons and supplies to DEA Agents.

Basic Program Description: The DEA training program focuses on providing the DEA workforce with the skills and knowledge necessary to fulfill DEA's mission. DEA's specialized training courses include entry level training, advanced and in-service specialty training, management and supervisory training, and foreign language training.

Accomplishments and Workload:

Accomplishments of the DEA Training program are presented in the table on the following pages:

General Training		1989		1990		1991		1992	
	Actual	Actual	Actual	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
Basic Agent*									
Number of Classes	4		8		11		9		402
Number of Students	182		310		563				
Basic Diversion Invest.									
Number of Classes	3		1		2		2		59
Number of Students	77		60		59				
Intelligence Specialist Training									
Number of Classes	1		4		3		1		33
Number of Students	24		113		87				
Forensic Chemist									
Number of Classes	0		4		2		1		19
Number of Students	0		72		26				
Asset Removal Schools									
Number of Classes	12		4		7		7		270
Number of Students	569		154		270				
Specialized DEA Training									
Clandestine Laboratory									
Number of Classes	9		6		11		11		385
Number of Students	264		210		385				

* This includes all new Agent hires (including GAUs) and training spaces due to attrition.

* This includes all new Agent hires (including ODE) and training spaces due to attrition.

Specialized DEA Training	1989 Actual	1990 Actual	1991 Estimate	1992 Estimate
Firearm Instructor	2	1	3	3
Number of Classes	52	18	90	90
Number of Students				
Other: Specialized Trainings**	16	25	26	26
Number of Classes	435	658	703	703
Number of Students				
Professional/Administrative, Technical/Clerical, & Other	393	700	700	700
Number of Students				
Other Core Training	269	300	300	300
Number of Students				

** Other Specialized Training Includes: Method of Instruction; Individual Terrorism Awareness; Supervisory Training; MDO; Executive Development; and Executive Management Schools.

DEA conducted international drug enforcement training for 236 law enforcement personnel from foreign countries in 1990. The countries represented include Greece, Malaysia, Mexico, Algeria, Pakistan, Peru, the Soviet Union, and Thailand. An estimated 2,300 foreign students will be trained in 1991, including high level, foreign police officers brought to the United States for DEA's Executive Observation Program (EOP). By the end of 1991, a total of 29,465 foreign officers and officials will have been trained by DEA since the program's inception in 1969.

1991 Appropriation	Anticipated		1992 Base		1992 Estimate		Increase/Decrease					
	Pos.	VL	Pos.	VL	Pos.	VL	Pos.	VL				
Research, Engineering & Technical Operations.....	358	342	\$45,704	358	353	\$72,293	366	357	\$74,127	8	4	\$1,834
Long-Range Goals: Support DEA enforcement and intelligence programs through research, development, procurement, maintenance, and management of technical investigative equipment and aircraft, and provide assistance to ensure maximum achievement of the National Drug Control Policy, as well as the Communications Interoperability Working Group, the Satellite Technology Working Group, and the Telligent Working Group (an interagency working group to develop tagging and tracking systems).												

Major Objectives:

- o Provide high quality technical/investigative support, radio communications, and polygraph support that will lead to increased productivity and effectiveness in investigations.

- o Increase the efficiency of Agency field operations through the development of new or improved technical investigative devices, and the application of scientific research.
 - o Provide scientific and technological information, training, coordination, and liaison services for DEA and the national and international drug law enforcement and intelligence communities.
 - o Acquire, maintain, and operate an efficient aircraft fleet with sufficient capabilities to meet all operational requirements.
 - o Provide aircraft and aviation-trained Special Agents for domestic investigative support and foreign drug intelligence gathering and operational support.
- Basic Program Description:** The Research, Engineering and Technical Operations program addresses the following major program areas:
- o The Research and Engineering Program provides new technology and scientific support to the operational elements of DEA.
 - o The Technical Operations Program makes optimal use of DEA's technical equipment, aircraft and personnel resources in a manner that allows DEA investigative personnel to maximize their efforts, enhance their personal safety, and accomplish the agency's mission.
 - o The Aviation Program is designed to increase the effectiveness of DEA's enforcement effort by offering speed, mobility, vantage and other qualities unique to aircraft operations. Such qualities permit the successful pursuit of drug investigations not possible with surface vehicles.

Accomplishments and Workload:

Below are the workload statistics and projections for the investigative support and radio communications areas:

Item	1989		1990		1991		1992	
	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate
Disputed Number Recorders	1,450	1,750	1,750	1,850	1,850	1,950	1,950	2,050
Title II's	188	200	200	210	210	300	300	300
Digital Voice Privacy Installed	12	15	15	19	19	...	...	...
Polygraphs	419	534	534	550	550	580	580	580

Twelve DEA divisions are operational on Voice Privacy (DVP/DES) radio systems. The St. Louis, New Orleans, and portions of the Chicago systems are in the process of being installed. The remaining systems procurements and installations for Houston, Dallas, Phoenix, and Denver, and systems modifications will be accomplished by 1991. In addition, over 2,500 dual band UHF/VHF mobile radios are now installed in DEA vehicles throughout the United States. These DVP/DES radios enable DEA personnel to communicate with other law enforcement agencies such as the FBI, U.S. Customs Service, U.S. Marshals Service, and state and local organizations. As a direct result of polygraph examinations, over 82 million in additional assets were seized in 1990.

The number of air missions flown by DEA totaled 8,335 in 1990, involving 22,488 aircraft flight hours. Approximately 78 percent of the missions and 75 percent of the flight hours were for domestic operations; 22 percent of the missions and 25 percent of the flight hours were in support of foreign operations; and 52 percent of the total missions were for surveillance, search, and transport. A total of 959 arrests were made as a result of utilizing air support. Approximately 60 percent of the arrests were Class I and II. DEA's negative mission rate was approximately 13.3 percent (or 1,109 unfilled mission requests) in 1990.

DEA continues to work with the Defense Advanced Research Project Agency (DARPA) and other law enforcement and intelligence agencies to develop strategies and technologies to enhance drug law enforcement's capabilities. The results of this effort can be seen in the following examples; a system has been developed to determine the source country of cannabis samples, and prototype satellite base stations and aircraft position reporting systems were delivered and installed, as part of the multi-year development program for the Radio Determination Satellite System which will enhance DEA's ability to communicate worldwide.

Program Change:

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MT	Pos.	MT	Pos.	MT
Research, Engineering & Technical Operations.....	358	353	366	357	8	\$1,054

DEA requests eight support positions, four workyears and \$1,054,000, including \$1,444,000 in special funding to purchase technical, investigative equipment and provide for increased operating costs for forfeited aircraft. This request directly supports DEA's strategic planning initiatives to expand technical support and secure communications capabilities.

DEA anticipates receiving additional funds from the Office of National Drug Control Policy in both 1991 and 1992 for MIDTA-related initiatives. These initiatives could include such things as resources for the purchase of helicopters for use in MIDTA areas.

Technical Equipment: DEA requests \$1 million to replace 200 Dialed Number Records (DNR) in its field offices. The cost of each DNR is approximately \$5,000.

DEA uses DNR's to obtain called number information from court-authorized wire intercepts. The telephone number information derived from DNR's is analyzed by Agents and intelligence analysts to implicate conspirators in drug violations and to gain further investigative power with a Title III wire voice intercept.

By 1992, the majority of telephone companies in the United States will have introduced to business and residential customers a service known in most areas as Customer Local Area Special Services (CLASS). This service enables the customer to determine from what telephone number a call is being received, thereby providing the customer with the ability to identify the caller. This service creates a serious problem for DEA and other law enforcement agencies. DEA's existing inventory of DNR's will not work on phone systems with CLASS service. In effect, if this equipment is not replaced, our DNR's will become virtually useless and DEA will have lost a major investigative tool. However, new DNR's that can intercept telephones with CLASS service have been developed. The DNR's will also have the capability to intercept cellular telephones when used in conjunction with T-1 circuitry and cellular intercept software. Approximately 50 percent of the DNR's now used by DEA are not cellular compatible.

Operating Costs for Forfeited Aircraft: DEA requests \$444,000 to provide operating expenses for six aircraft that were forfeited in 1989.

DEA has a unique opportunity to supplement the existing air fleet by using forfeited aircraft without the initial expense required to purchase new aircraft. In 1989, DEA seized and placed into service six forfeited aircraft. Although the planes are free and retrofitting costs are paid by the Assets Forfeiture Fund, DEA is responsible for costs of operating the aircraft. On average, aircraft cost approximately \$74,000 each per year to operate. The costs of maintaining and operating these aircraft have not been funded and constitute an increasing drain on base resources for the program. The funding requirement was determined by using the average cost of maintaining seized aircraft. The six forfeited aircraft are two turboprops and four single engine aircraft.

DEA has a requirement to support investigations of illicit drug operations worldwide. The highly transient nature of subjects under investigation requires the support of a Secure Communication System, which includes, for both domestic and foreign offices, secure voice, facsimile, teletypewriter communications, Communication Security (COMSEC) accounts, Law Enforcement Information Access Systems, and paging systems.

Accomplishments and Workload:

- o Office Automation: Office Automation equipment is now installed in three field divisions, DEA headquarters, and EPIC. DEA forwarded a request to the Department of Justice in April 1989, for a Delegation of Procurement Authority (DPA) to procure additional quantities of Office Automation equipment. This additional equipment is required in order to accommodate the growth of DEA and to provide Office Automation equipment to overseas country offices. DEA expects to have OA installed in every field division with the exception of the New York Field Division, supporting 50 percent of the workforce by the end of 1991.
- o Systems Development: DEA completed a system to support the Mexican Marijuana Eradication program and provided programming support to Operation Green Merchant, SMOGLAP, and other Special Enforcement Operations. System enhancements were made to SA0018, S1102E, Asset forfeiture, and other information support systems.
- o Domestic Wordprocessing: The Office Automation (OA) System will replace the existing word processing equipment. The installation of OA, however, will take between two and three years to complete. In the mean time, it is necessary to expand the existing Eason contract for two more years. Approximately 75 word processors that were replaced by OA equipment have been shipped to new locations to satisfy new requirements.
- o Information Resource Management: The Strategic Information Resource Management study was successfully completed in 1989. Work has now been started on the Information Systems Plan phase.
- o Computer Operations: There has been considerable activity in the area of computer operations. All DEA systems were successfully transferred from the DOJ Data Center in downtown Washington, D.C., to the new location in Rockville, Maryland, in 1989. The IBM 4341 was replaced with an IBM 9375 remote job entry device resulting in an annual savings of \$150,000. The maintenance for the Secure Teletype System was changed to an item and material contract resulting in a \$600,000 savings in maintenance charges. Version 11 of the Model 204 database system has been tested and made operational which improved the efficiency and effectiveness of DEA's data base systems.

Program Change:

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	MT	Pos.	MT	Pos.	MT
ADP & Telecommunications.....	121	112	132	117	11	5
		\$55,547		\$59,827		\$4,280

DEA is requesting 11 support positions, five workyears, and \$4,280,000 including \$3,688,000 in special funding to expand DEA's technical support and systems support requirements outlined in ILLINOIS JUDICIAL BRILLIANCE. This request supports DEA strategic initiatives to eliminate chronic staffing shortfalls, expand DEA's technical support capabilities, enhance DEA's drug investigative capabilities, and enhance DEA's intelligence capabilities.

Staffing Shortfall: In 1983, a study commissioned by DEA formed the basis for DEA automation. A later study provided further detail of equipment needed based on 1983 staffing levels. One of the outgrowths of this study was the development of DEA's Office Automation project. In April 1986, a \$36 million phased contract was awarded to begin the installation of the Office Automation system. DEA is requesting seven positions, three workyears, and \$566,000 to eliminate the staffing shortfall supporting Office Automation.

DEA currently has a staff of 18 computer specialists who manage the original \$30 million contract. This includes conducting site surveys for installation and acceptance testing of equipment once installed, monitoring delivery orders, implementing internal controls associated with Office of Management and Budget (OMB) Circulars A-123 and A-130, inventory control, validating invoices, and providing technical assistance to Office Automation users. Office Automation users will total 50 percent of DEA's domestic workforce--approximately 1,900 positions--by the end of 1991.

Additional positions are necessary for the communications aspects of Office Automation, to monitor invoice processing, implementation support, delivery order processing, inventory control, site surveys, and hardware/software evaluation.

Intelligence Support Systems: DEA is currently initiating new enforcement programs in South America, the Southwest Border, and other domestic areas to reduce the influx of cocaine into the United States. The result of these initiatives is a requirement for vital new intelligence gathering methods at the El Paso Intelligence Center (EPIC). DEA is requesting four positions, two volunteers, and \$200,000 to support EPIC ADP requirements.

As EPIC's role in drug law enforcement has grown the demand for its services has outpaced its computer capabilities. In response, DEA is seeking mainframe computer support from the Department of Justice Data Center in Dallas, Texas. Integrating EPIC with Dallas will provide EPIC with enhanced computer support. Successful integration between EPIC and the Dallas host will require additional technical support.

DEA's representatives in foreign countries serve as the primary advisors to the U.S. Ambassador on all international narcotics and dangerous drug matters. Analysis of trafficking patterns, production, and significant drug-related cases in the host country are required. DEA's overseas intelligence collection capabilities have been greatly enhanced in terms of investigative personnel; however, if the outdated machines are not replaced and machines not purchased for new offices and the influx of additional DEA personnel, overseas intelligence collection will be seriously affected.

While DEA plans to begin installation of Office Automation equipment in selected foreign offices in 1993, the surplus of domestic equipment cannot be utilized in the overseas environment. DEA's word-processing equipment must be compatible with the Department of State's standards in order to receive operational support and maintenance. DEA is requesting \$203,000 to purchase overseas word-processors to support foreign offices.

In 1981, DEA reached an agreement with DOS for provision of overseas access to MAD01S and other DEA data files in selected foreign operating locations. Initially, 31 sites were selected with a determination that the overseas network would ultimately support BA locations. The original objective of this project was to have 44 overseas sites operational by the end of 1984; however, due to problems encountered by the DOS in obtaining the required data circuits from host governments and the operational differences between DOS and DEA systems, the project's implementation has been delayed.

While Office Automation will begin to replace many of the BAIS terminals overseas in 1993, not all foreign offices will receive Office Automation equipment. Some foreign offices receiving Office Automation equipment will be required to gain access to BAIS equipment to obtain current and complete intelligence data. Unfortunately, domestic equipment cannot be utilized in the overseas environment due to the requirement for overseas BAIS equipment to be configured to operate off satellites. DEA is requesting \$250,000 to purchase BAIS equipment for foreign offices.

Field Investigative Support Systems: Prior to automation, Special Agents and Intelligence Analysts kept case information on index cards. Relationships between cases and suspects were difficult to determine using this antiquated method as little information sharing was possible. The computer revolution greatly enhanced the linkage process in terms of time, volume of data, and centralization. DEA is requesting \$750,000 for contract Field Information Resources (FIAS).

With implementation of DEA's Office Automation (OA) system, DEA has learned that full-time system managers are required onsite where large quantities of OA installations are installed. The contract Field Information Resources Specialist will be involved in resolving on-site software problems, coordination with headquarters on communications problems, conducting training, password administration and file backup administration.

Currently this work is done as a collateral duty by a Special Agent or Intelligence Analyst who has developed ADP expertise out of necessity. This is not an effective use of these personnel skills. There are times when these personnel are not available due to court appearances, surveillance, or debriefings. Without the full-time dedicated support of a FIIS, the end-users of DA systems are being seriously affected by unnecessary downtime.

Administrative Support Systems: OMB Circular A-130, Appendix 3, Part 3 requires agencies to establish policies and assign responsibilities so that appropriate contingency plans are developed to assure that users can perform essential functions in the event their information technology support is interrupted. OOI Order 2640-2a, Part 2 reinforces this requirement. In July, 1989, the Office of the Inspector General completed an audit report in OIA's AOP General Controls. DEA was found to be deficient in the area of continuity of operations and a recommendation was made that DEA develop and implement formal contingency plans to assure continuity of processing for their mission critical systems, AUDIOT, AECOS, CEA, CAG and STI810E. In addition, the Department's 1989 annual security report noted DEA had not implemented a risk analysis nor contingency planning. DEA is requesting \$504,000 to implement a continuity of operations program.

While the U.S. Navy has been assisting DEA in the development of a continuity of processing plan, DEA has not been able to meet the requirement to test and maintain the plan due to a lack of funds.

The Department of Justice maintains two data centers, in Rockville, Maryland and Dallas, Texas, to provide dedicated ACP and teleprocessing facilities for the nationwide criminal justice system. The Rockville center is responsible for the ACP and teleprocessing support for the FBI, while the Dallas center provides teleprocessing support for the Department of Justice, including processing services and back-up on a cost reimbursable basis through the DOJ working capital fund. DEA is projecting DOJ computer costs to be \$11,227,000 in 1990. It is anticipated that with initiation, more online Office Automation workstations, and the transfer of EPIC processing to Dallas, the bill in 1992 will be \$16,520,000. DEA is requesting \$1,301,000 for DOJ Data Center charges.

	----- 1992 Estimate Perms.	----- 1992 Basis Perms.	----- 1991 Appropriation Anticipated Perms.
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	COB.	PL.	COB.	PL.	COB.	PL.
Records Management.....	70	66	99,320	66	99,663	66

Author's address:

- o Upgrade the maintenance, retrievability, and disposition of DEA files through the application of records management practices and technology.
- o Provide responsive directives to management services for prompt dissemination of policy and procedures.
- o Provide effective reports management through cost benefit analysis, management of a reports information data base, and periodic reviews of reporting requirements.
- o Provide specialized forms design and analysis for drug enforcement programs and electronic data processing systems.
- o Under the Freedom of Information and Privacy Act regulations, respond to all requests to DEA involving freedom of information and/or Privacy Act information.
- o Provide information analysis using on-line database retrieval systems in support of overall enforcement requirements.

Base Program Description:
Records Management: Records management provides development and implementation of policy and procedures for EEA records management programs and systems, including reports management, forms analysis and design, files maintenance, records disposition, directives disposition, correspondence management, and systems and procedures studies.

- Records Management:** Records management provides development and implementation of policy and procedures for LSA records management programs and systems, including records management, forms analysis and design, files maintenance, records disposition, directives disposition, correspondence management, and systems and procedures studies.
- Investigative Records:** Investigative records maintain hard copy files on drug investigations conducted by DEA worldwide, and drug intelligence reports received from the FBI and other agencies. Reports in these files are source documents for BUDIS; a computerized data base. The Investigative Records Unit is responsible for attracting pertinent information from these reports and entering it into BUDIS.
- The program also maintains the Case Status subsystem of the Enforcement Management Information System, an on-line information system that has been designed to store, organize and provide information about the general files on all DEA criminal informants. This subsystem was developed in 1985. The program also maintains the files on the 1985 Title 18, Section 843(a)(7) list of individuals and associates outside the Department of Justice as required by the Privacy Act of 1976. Now in these hard copy records are extracted and resopped on microfiche to provide an audit trail.

Access, phonecalls and portlogs: Produced a bibliography on drug abuse in the workplace and a listing of its journal holdings. In addition, 954 library reference services were provided and 615 visitors used the library facilities.

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Processed 106 forms actions to include creation of new forms, revisions and replenishment of existing forms and pollicable directions.

Updated, published, and distributed the DEA Forms Catalog for March 1990 requirements.

Obtained OMB approval for seven collections of information from the public. Public Law 96-511, known as the Paperwork Reduction Act of 1990, requires OMB approval or to use for any reporting and/or recordkeeping imposed upon the public by DEA.

Conducted surveys of eight Headquarters elements and two field divisions to develop plans for improving filing efficiency, reducing loss of time for retrieving files, disposing of non-essential records, and providing technical assistance and advice to Headquarters and field offices.

Processed 401,664 investigative reports and opened 30,244 investigative files. Created and updated 910,178 MADDIS records, increasing the database to 2,719,603 records.

Processed and reduced to microfiche 6,799 disclosure account records. Created 3,677 cooperating individual files. Retired 12,375 files to the Federal Records Center. Retired 15,000 files for review by Headquarters and field office personnel.

Conducted on-site training in various field offices to update Special Agent, Intelligence staff, and office personnel on M-204, MAD01's enhancements, and use of recently published Conversion Code Directory.

Activity: State and Local Assistance	1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Pos.	WT.	Pos.	WT.	Amount	Pos.	WT.	Amount	Pos.	WT.	Amount
State and Local Training.....	30	29	83,966			84,161			84,161	...	...	...
State and Local Laboratory Services.....	25	25	2,250	25	25	2,379	25	25	2,379	...	...	...
Total.....	55	54	6,216	55	54	6,540	55	54	6,540	...	...	...

Activity: State and Local Assistance	1991 Appropriation Anticipated			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Pos.	WT.	Pos.	WT.	Amount	Pos.	WT.	Amount	Pos.	WT.	Amount
State and Local Training.....	30	29	83,966			84,161			84,161	...	...	...
State and Local Laboratory Services.....	25	25	2,250	25	25	2,379	25	25	2,379	...	...	...
Total.....	55	54	6,216	55	54	6,540	55	54	6,540	...	...	...

Major Objectives:

- o Provide training in basic, advanced, and specialized drug law investigation methods and techniques to State and local agencies, the military, and other Federal agencies.
- o Provide other drug law enforcement professionals with the skills required to direct a comprehensive drug enforcement program within their areas of responsibility.

Base Program Description:

- o Advanced and Specialized Drug Law Enforcement Training: DEA provides investigator trainees skills in surveillance, undercover operations, search and seizure, law enforcement procedures, field investigation, and laboratory procedures. This training is conducted under the auspices of DEA's 19 field division training units.
- o Management and Supervisory Drug Enforcement Training: This training curriculum focuses on management techniques, priorities, interdepartmental cooperation, and available Federal support to provide management officials the skills required to direct a comprehensive drug enforcement program.

Recommendations and Workload:

1978

State & Local Training	1989 Actual	1990 Actual	1991 Estimate	1992 Estimate
Troop Force Officer				
Number of Classes	3	0	0	0
Number of Students	84	0	0	0
Drug Unit Commander				
Number of Classes	2	2	2	2
Number of Students	73	70	70	70
Basic Drug Enforcement				
Division Sponsored:				
Number of Classes	77	121	121	121
Number of Students	3,310	4,680	4,680	4,680
Basic Drug Enforcement				
Quintico Sponsored:				
Number of Classes	3	4	4	4
Number of Students	90	120	120	120
Marjuana Eradication				
Number of Classes	10	10	10	10
Number of Students	250	250	250	250
Clandestine Laboratory				
Number of Classes	5	6	6	6
Number of Students	175	210	210	280

Note: This chart includes military and other federal agency training. Some of the training is conducted by the 19 DEA field divisions, and some is conducted at Quantico.

State & Local Laboratory	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
State & Local Laboratory	25	25	25	25	25	25	...	...
Services.....	25	25	25	25	25	25	...	...
Long Range Goal: Provide support in state and local law enforcement agencies through supplemental laboratory analysis of drug evidence, thereby meeting the applicable State Speedy Trial Act provision, and encouraging state and local agencies to achieve forensic analytical self-sufficiency through provision of technical assistance.								

Major Objectives:

- o Assist State and local laboratories to achieve self-sufficiency through publishing technical information on a regular basis and participating in national and local forensic sciences meetings; providing training to forensic chemists on new techniques and procedures; and supporting programs that enhance State and local laboratory capabilities.
- o Provide quantitative and qualitative analysis of drug evidence for those agencies that do not have the required expertise or facilities, primarily the Metropolitan Police Department, Washington, D.C.
- o Provide expert testimony in court regarding analytical findings for prosecution purposes.
- o Provide analytical drug reference standards where there is no commercial source.
- o Conduct ballistics examinations to identify common origins of illicitly-manufactured tablets and capsules.

Basic Program Description: The State and Local Laboratory Services program is responsible for providing State and local agencies with technical assistance, beyond the expertise of the forensic laboratory servicing the agency, and for helping State and local forensic laboratories achieve self-sufficiency in the analysis of drug evidence for criminal investigations and prosecutions. This program seeks to upgrade the analytical capabilities of State and local laboratories.

Accomplishments and Workload:

In 1990, DEA laboratories analyzed 6,663 drug exhibits, testified in 195 trials, conducted 23 ballistics examinations, published 12 issues of *ELICIDUUM*, conducted five training seminars for State and local forensic chemists, and one training seminar for 14 international forensic chemists. DEA forensic chemists continued to participate in regional, national, and international forensic science organizations by holding officer positions, participating on committees, and presenting scientific papers. Representatives of the Laboratory System held several meetings with officials of foreign law enforcement agencies to coordinate intergovernmental scientific activities.

Workload projections for the State and Local Laboratory Services program are presented in the following table:

Item	1990 Actual*	1991 Estimate	1992 Estimate**
Evidence Analysis	6,663	7,000	7,300
Evidence Testing	350	350	350
Drug Reference	192	210	210
Ballistics Examinations	23	25	30
Training Seminars	5	5	5

* DEA's statistical databases are continually revised. Figures shown represent the most accurate statistics available, and may differ from those previously reported.

** 1992 Estimates have been revised since preparation of the President's Budget Appendix to reflect more recent and accurate data.

Activity: Program Direction	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	VL	Amount	Perm.	VL	Amount	Perm.	VL	Amount	Perm.	VL	Amount
Executive Direction	397	300	\$32,918	396	300	\$32,903	396	300	\$32,903	...	...	...
Administrative Services	217	211	19,529	217	211	19,529	217	211	19,529	...	...	...
Total	614	511	52,447	613	511	52,432	613	511	52,432	...	...	...

1991 Appropriation Anticipated

Executive Direction

Administrative Services

Total

1992 Base

Executive Direction

Administrative Services

Total

1992 Estimate

Executive Direction

Administrative Services

Total

Increase/Decrease

Permanent

Variable

Amount

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- o **Financial Management:** This area prepares DEA's budget; develops and maintains DEA's resource allocation plans; and provides the operation and supervision of DEA's accounting system.
- o **Planning and Inspection:** This area advises management on all matters pertaining to planning, policy analysis, organization control, statistical systems, personnel, document and physical security and integrity/misconduct matters.

Accomplishments and Workload:

Legal Services: In fiscal year 1990, DEA completed 906 civil administrative actions. In addition, legal advice was provided during the development of DEA programs for drug deterrence and hazardous waste disposal.

DEA's criminal law program was responsible for the review of 117 applications to conduct electronic surveillance, 13 requests for exemption to the undercover operations guidelines, 109 formal legal opinions, and 162 discovery requests were processed in 1990.

Requests for legal assistance on intelligence-related issues dramatically increased in fiscal year 1990. The criminal law program expended more than 731 workhours in 1990 providing advice on intelligence sharing, intelligence dissemination procedures, and proposed operations and programs. Furthermore, the criminal law program expended 1,128 workhours on international law and affairs.

Due to the preponderance of public interest prosecution cases involving practitioners, approximately 70 percent of all cases initiated result in hearings conducted with DEA administrative law judges. In addition, the diversion and regulatory compliance program drafted guidelines to implement the Controlled Substances and Trafficking Act and reviewed other Chemical Act mandated activities which have accounted for a substantial increase in the regulatory compliance workload.

In 1990, DEA processed over 12,984 asset seizures having a total appraised value in excess of \$748.5 million. DEA has also administratively forfeited 12,553 assets valued at \$129.9 million. State and local revenue sharing totaled \$127 million during this time period.

Planning and Inspection: DEA began development of a Strategic Management System (SMS), which consists of an assessment of the drug threat, near-term and long-term strategies, program directives that set forth an operational plan for addressing the threat throughout the year, and a plan for deployment of resources to enable implementation of the operational plan. The SMS will be implemented in fiscal year 1991.

DEA conducted inspections of six field divisions, 14 foreign offices, three laboratories, and two headquarters offices. Twenty-four audits were conducted concurrent with these inspections, along with six audits of Special Enforcement Operations and 15 special reviews. These inspections and audits resulted in the issuance of 115 recommendations.

DEA provided liaison assistance for approximately 85 General Accounting Office, Inspector General, or other audit activities. Major studies completed in 1990 include "Coordination of the Planning and Inspection Manual," "Use of DEA Statistical Information," "Crisis Management," "Diversion Control Staffing," "Demand Reduction," "Physical Fitness," "ADAMS Accessibility," and "GEO/Affirmative Action."

DEA conducted a major review of the uses of statistical information by DEA managers. This review resulted in an extensive redesign of DEA's Annual/Quarterly Statistical Report series and the formulation of new policies on the use of statistics by DEA managers. During the year, DEA also assisted in the development of a new sampling methodology for drug evidence analyzed by DEA laboratories, processed 46,000 arrest and disposition reports for automated data capture, and responded to 375 requests for statistical information.

DEA continues to provide security assistance to DEA facilities worldwide. Numerous security surveys have been or will be undertaken to upgrade offices. DEA is ensuring that proper security is installed in newly acquired space. ADP security remains a priority concern; policies are updated regularly to reflect changes in equipment and software.

Congressional and Public Affairs: DEA has coordinated the preparation for 30 Congressional hearings, 82 formal briefings, 22 legislative summaries, 1,187 Congressional letter responses, and 815 Congressional telephone inquiries. Public affairs personnel have responded to more than 5,500 substantive inquiries from U.S. and international media representatives, and 485 requests for interviews of DEA officials in 1990. Staff prepared 541 constituent inquiries, 41 major speeches for the Administrator and Deputy Administrator, coordinated and processed 231 public appearance/speech requests, and distributed 18,000 publications.

Demand Reduction: Requests for domestic demand reduction programs have risen dramatically, as well as requests from overseas. The Demand Reduction program has presented more than 2,600 drug prevention/education programs throughout the country.

Financial Management: DEA processed 1,945 PCS vouchers, 35,560 temporary duty vouchers, 97,934 commercial invoices, 305 Department of State Billings, 134 flashrolls, and 165,600 Inprint subvouchers.

DEA also processed 55 internal reorganization actions, 180 Tables of Organization changes, 95 new position requests, and completed 20 major management studies. DEA conducted comprehensive management studies prior to the establishment of five posts of duty, five resident offices, and two country offices.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Pos.	WT	Perm.	Pos.	WT	Perm.	Pos.	WT	Perm.	Pos.	WT
Administrative Services.....	217	211	\$18,544	217	211	\$19,639	217	211	\$24,439	...	...	\$4,800

Long-Range Goal: Provide effective and efficient administrative support to ensure maximum achievement of DEA's mission.

Major Objectives:

- o Provide effective position management and appropriate compensation of employees, including merit pay, benefits, awards, and retirement services.
- o Guide and assist the processing of all disciplinary actions and grievances, and establish policy for performance appraisals.
- o Validate personnel procedures and practices in areas of employee performance appraisal, selection, promotion, and discipline.
- o Provide necessary health services, including drug testing and employee assistance on personal and behavioral problems affecting performance and well-being.
- o Manage office and special purpose space to meet DEA requirements.
- o Provide effective management in administrative areas for employees concerning relocation, procurement, contracting, and office services.
- o Recruit, staff, and manage DEA employees according to Equal Employment Opportunity regulations and procedures.

Base Program Description:

- o **Personnel Operations:** An efficient personnel program is required to recruit and bring on-board a variety of dedicated and proficient staff in order to carry out the difficult and diversified functions inherent in DEA mission responsibilities. The need for a highly mobile force

located in every State and in over forty countries throughout the world, adds to personnel operations problems and workload. All personnel work, other than limited clerical functions, is centralized in Washington, D.C.

DEA personnel operations require comprehensive attention to: classification; pay and position management; employee relations; assistance and benefits; recruitment and placement; health and safety; personnel systems automation development; and validation and analysis of personnel procedures. The Office of Personnel advises and assists managers and employees on personnel matters, develops policy and provides guidance for the effective management of the workforce.

- o Equal Employment Opportunity: EEO programs assure that DEA focuses on legal and moral responsibilities in acquiring and managing its workforce. This prevents discrimination and morale problems and assures the equitable treatment of all DEA employees.
- o General Services: The General Services staff responds to all of DEA's administrative support requirements, including: the acquisition and utilization of space; operation, maintenance, and repair of office and special facilities; personnel travel; and administrative information benefits; office supplies; formal procurement contracts and requisitions; office furniture and equipment; and DEA's motor vehicle fleet.

Accomplishments and Workload:

Facilities Management: DEA supports 154 domestic offices, eight forensic laboratories, and 62 foreign offices. It operates and maintains two 12 story office buildings of approximately 400,000 square feet at its headquarters in Arlington, Virginia. It is responsible for the operation, maintenance, and repair of these facilities. The headquarters complex covers ten acres and approximately 37,000 square feet of office/computer space. It is directly responsible for the management of \$1.04 billion of assets. The headquarters complex is the design of the Aviation Administrative and Maintenance facility should be completed in 1991; and construction should be completed by the end of 1992. This facility is the total responsibility of DEA for operation, maintenance, and repair.

In 1990, DEA opened nine new domestic offices and one foreign office. DEA initiated 87 actions to expand, relocate, or reconfigure space to accommodate changing requirements. In addition, DEA initiated 23 actions to acquire or expand non-office support space such as warehouse, evidence storage, parking garages, or incinerators; 21 security system installations, upgrades, or modifications; 20 projects to alter, replace, upgrade, or repair existing structure or equipment including major heating, ventilation, and air conditioning projects; and revising, relocating, or installing 21 telephone systems.

Property Management: DEA seized 4,483 vehicles and placed 577 seized vehicles into service. In addition, DEA processed 1,162 requests to access vehicles.

Transportation: DEA completed 666 employee transfers during fiscal year 1990. There were 365 employees counseled on utilization of the relocation service contract. Of the 346, 94 were assigned or amended sales, which cost DEA 13 percent of the sales price, and 107 homes were purchased by the relocation company at a cost to DEA of 23.75 percent of the appraised value.

At the present time there are 46 pending sales; 10 employees have elected to rent their property and are utilizing the property management aspect of the relocation service contract at \$9,000 per year, and 26 employees have rejected the relocation company's offer. The home finding service has been utilized by 44 transferees with no cost to them or DEA.

Personnel: DEA hired 664 employees, of which 267 were Special Agents. Of the 267 Basic Agent trainees, nine are pilots, 62 are fluent in one or more foreign languages, three have law degrees, 11 have accounting or financial backgrounds, 130 have law enforcement backgrounds, and 11 have Masters Degrees.

During the year DEA assisted 1,847 employees and family members through employee assistance counseling and services. In addition, DEA completed 460 physical exams, 2,500 medical reviews, and processed 3,293 clinic visits. DEA also processed 70 retirements and approved 615 award actions.

Program Changes:	1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	VL	Amount	Pos.	VL	Amount	Pos.	VL	Amount
Administrative Services.....	217	211	\$19,039	217	211	\$24,439	...	...	\$4,800
<p>DEA is requesting \$4,800,000 in special funding for an Architectural and Engineering study to relocate laboratory facilities, enhance medical services, and obtain replacement vehicles. This request directly supports DEA's initiative to rectify infrastructure problems.</p> <p>Laboratory Relocation: The Special Testing and Research and the Mid-Atlantic Laboratories have been occupying their present space since 1973. The Special Testing and Research Laboratory has experienced a 62 percent increase in personnel since 1973 and the Mid-Atlantic Laboratory a 21 percent increase. This has created an overcrowding problem that directly affects the productivity of the laboratories and expansion of existing space is not possible. DEA is requesting \$1,500,000 for an Architectural and Engineering study for the construction of a new facility. DEA is also requesting a change in appropriation language to make these funds available for two years.</p> <p>Growth space is not the only issue facing these DEA laboratories at this time. Health and safety requirements have changed drastically since 1973, evidence requirements have increased, evidence volume has increased; these issues must be taken into consideration prior to relocating these laboratories.</p> <p>The current lease expires in 1990 for the Special Testing and Research Laboratory and in 1991 for the Mid-Atlantic Laboratory. Current plans call for the construction of a new facility in the Washington, D.C., area; however, an Architectural and Engineering study is required to validate these plans.</p> <p>Vehicle Replacement: DEA's day-to-day operations require a fleet of Official Government Vehicles (OGVs). The OGV replacement standard for an Official Government Vehicle is six years or 60,000 miles. DEA currently has 3,648 cars, of which 1,558 exceed this standard. The frame DEA imports to its vehicles due to the relatively high cost of replacement is due to the fact that the vehicles are used for long distance driving and, at times, without adequate driving instruction. DEA's operating budget for the vehicle fleet is \$2,000,000. It is in marginal operating condition and oftentimes must be left out of any activity in which hard driving is anticipated.</p> <p>More than 26 percent of DEA's current vehicle fleet have over 60,000 miles and 17 percent exceed the six-year standard. In addition, due to limited resources, seized vehicles are being placed into service at an increasing rate. DEA's vehicle fleet is currently comprised of 39 percent forfeited vehicles. These vehicles usually require extensive maintenance and repair prior to being placed in service and, as such, DEA is utilizing more and more retrofit resources from the Assets Forfeiture fund. DEA is requesting \$3,100,000 to purchase 194 replacement vehicles.</p> <p>Personnel: New OSHA/MSHA regulations require Hepatitis B vaccinations for DEA's Special Agent, chemists, and laboratory personnel in case of exposure to contaminated body fluids when handling drug evidence and other drug related materials, and during raids and interactions with suspected perpetrators. Vaccinations have been completed on 60 percent of DEA's target population.</p> <p>An estimated 1,000 Special Agent and laboratory personnel have not received the Hepatitis B vaccine is mandated by OSHA. The cost per vaccination from the Public Health Service is \$200. DEA is requesting \$200,000 for these vaccinations.</p>									

Drug Enforcement Administration
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Domestic Enforcement		SEOP		Foreign Coop. Investigations Program		Diversion Control		State & Local Test Forces	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades										
GS-13.....	86	83,974	10	8462	12	8555	...	...	26	\$1,201
GS-12.....	...	...	...	...	...	...	29	\$1,120	...	...
GS-11.....	...	...	...	...	...	...	...	...	...	...
GS-8.....	29	572	...	...	2	39	7	137	44	867
Total positions and annual rate.....	115	4,346	10	462	14	594	36	1,237	70	2,069
Lapses (-).....	(57)	(2,287)	(5)	(232)	(7)	(299)	(18)	(629)	(35)	(1,041)
Other personnel compensation.....	19	494	57	57	2	69	...	...	6	149
Total workyears and personnel compensation.....	77	2,753	5	287	9	364	18	628	41	1,177
Personnel benefits.....	1,219	132	72	72	804	804	508	471	...	...
Travel and transportation of persons.....	573	72	30	30	133	133	106	570	...	...
Transportation of things.....	254	254	25	25	166	166	80	77	...	...
GA rent.....	290	290	25	25	...	...	76	482	...	...
Rental payments to others.....	2	2	...	...	...	...	...	3	...	...
Communications and utilities.....	86	10	10	18	18	31	31	334	...	...
Printing and reproduction.....	2	2	...	...	...	...	1	1	...	...
Other services.....	1,668	187	...	...	715	527	527	2,010	...	...
Supplies and materials.....	516	65	65	6	6	31	31	493	...	...
Equipment.....	4,592	469	...	...	782	1,734	1,734	2,618	...	...
Lease and structures.....	...	...	...	...	...	...	...	281	...	...
Total program workyears and obligations changes requested, 1992.....	77	11,955	5	1,277	9	3,100	18	3,722	41	8,517

Financial Analysis - Program Changes, Continued
(Dollars in thousands)

Item	DEA Laboratory Services		Technical Operations		ADP & Telecommunications		Administrative Services		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades										
GS-13	...	...	...	...	...	...	...	...	134	86,192
GS-12	11	8427	3	8116	11	8425	...	...	54	2,009
GS-11	5	162	...	...	...	...	...	...	5	162
GS-6	3	59	5	98	...	...	...	...	90	1,772
Total positions and annual rate	19	648	8	214	11	425	...	...	283	10,215
Lease (-)	(9)	(326)	(4)	(107)	(6)	(213)	...	...	(111)	(5,134)
Other personnel compensation	...	...	...	...	...	...	...	...	27	769
Total workyears and personnel compensation	10	322	4	107	5	212	...	...	169	5,850
Personnel benefits	94	...	32	...	63	...	...	...	3,415	...
Travel and transportation of persons	30	...	110	...	35	...	...	...	1,629	...
Transportation of things	...	...	...	...	...	...	...	...	627	...
GSA rent	48	...	20	...	28	...	...	...	949	...
Rental payments to others	...	...	...	...	...	...	...	...	...	5
Communications and utilities	19	...	75	...	15	...	...	...	580	...
Printing and reproduction	1	...	...	...	...	...	...	...	...	5
Other services	128	...	211	...	3,425	...	...	...	10,371	...
Supplies and materials	59	...	103	...	6	...	...	...	200	1,481
Equipment	1,347	...	1,176	...	496	...	...	...	3,100	16,314
Land and structures	...	...	...	...	...	...	...	...	...	281
Total program workyears and obligations charges requested, 1992	10	2,050	4	1,834	5	4,280	...	4,800	169	41,335

Drug Enforcement Administration
Salaries and Expenses
Status of Construction and Summary of New Facility Requirements
(In thousands of dollars)

Project	Budget Request or Appropriation							Expected Completion Date	
	Planning and Site Acquisition	New Construction	Total				Current Status Obligations to Date		
			Fiscal Year	Amount	Funding	Estimate or Actual			
									Current Cost
New DEA Aviation Facility	1991	\$2,500	1991	\$7,500	\$16,000	\$10,500	...	Construction	1992
			1992	6,000					
New DEA Training Facility ^a	1990	750	...	...	...	...	...	In planning stages.	1995
New DEA Laboratory (D.C. Area)	1992	1,500	1992	...	...	...	...	In planning stages.	1993

* In 1990, DEA committed \$68,000 for an Architectural and Engineering study for Camp Upshur, \$575,000 in construction costs for Camp Upshur, and \$115,000 for an environmental assessment for the proposed training facility.

Drug Enforcement Administration

Salaries and Expenses

Issue of Constitutionally Required
Studies, Reports, and Evaluations

1. The Senate Report relating to Department of Justice Appropriations Act, 1991 requires the Drug Enforcement Administration to investigate its resources, with a view toward increasing Special Agent staffing, in the St. Louis City, IA, metropolitan area and to report its findings to the Senate Appropriations Committee by November 1, 1991. DEA is in the process of conducting this study which will be completed by the assigned deadline.

Drug Enforcement Administration

 Salaries and Expenses

 Priority Rankings

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Domestic Enforcement	1	Domestic Enforcement	1
Special Enforcement Operations & Programs	2	Special Enforcement Operations & Programs	2
State & Local Task Forces	3	Diversions Control	3
Foreign Cooperative Investigations	4	State & Local Task Forces	4
Diversions Control	5	Foreign Cooperative Investigations	5
Intelligence	6	Administrative Services	6
DEA Laboratory Services	7	Research, Engineering & Technical Operations	7
Research, Engineering & Technical Operations	8	ADP & Telecommunications	8
ADP & Telecommunications	9	DEA Laboratory Services	9
DEA Training	10		
Records Management	11		
Administrative Services	12		
Executive Direction & Control	13		
State & Local Training	14		
State & Local Laboratory Services	15		

Drug Enforcement Administration
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1990 - 1992

Category	1990		1991		1992	
	Authorized	Technical Adjustments*	Authorized	Technical Adjustments*	Program Increases	Total
Attorneys (905).....	24	32	32	...	...	32
Other Legal and Kindred (900-998).....	14	15	15	...	...	15
Legal Instruments Examining Series (903).....	29	29	29	...	...	29
General Investigating Series (1810).....	379	421	421	...	29	450
Criminal Investigating Series (1811).....	2,511	(54)	2,816	...	134	2,896
Miscellaneous Inspectors Series (1802).....	57	75	75	...	...	75
Other Miscellaneous Occupations (001-099).....	16	16	16	...	...	16
Intelligence Series (132-134).....	370	428	428	...	...	428
Personnel Management (200-299).....	85	88	88	...	...	88
General Administrative, Clerical and Office Services (300-399).....	1,462	1,736	1,736	(11)	134	1,859
Biological Sciences (400-499).....	4	4	4	...	...	4
Accounting and Budget (500-599).....	105	101	101	...	...	101
Medical, Dental and Public Health (600-799).....	7	7	7	...	...	7
Engineering and Architecture Group (800-899).....	6	6	6	...	...	6
Information and Arts Group (1000-1099).....	19	19	19	...	...	19
Business and Industry Group (1100-1199).....	9	9	9	...	...	9
Physical Sciences Group (Other than Chemists) (1300-1399).....	10	10	10	...	5	15
Chemist Series (1320).....	195	214	214	...	11	225
Library and Archives Group (1400-1499).....	3	3	3	...	...	3
Mathematics and Statistics Group (1500-1599).....	10	10	10	...	...	10
Equipment, Facilities and Service Group (1600-1699).....	40	40	40	...	...	40
Education Group (1700-1799).....	3	3	3	...	...	3
Supply Group (2000-2099).....	22	22	22	...	...	22
Transportation (2100-2199).....	6	6	6	...	...	6
Ungraded (Wage Grade & Foreign Service Local).....	21	21	21	...	...	21
Total.....	5,407	6,131	6,131	(55)	283	6,359

*These technical adjustments include a reduction of 54 special agent positions to absorb the 1991 pay increase and a reduction of one (1) general administrative position to be transferred to the Executive Office for Asset Forfeiture.

1991

Detail of Permanent Positions by Category
Fiscal Year's 1990 - 1992

Category	1990		1991		1992	
	Authorized	Technical Adjustments	Authorized	Technical Adjustments	Program Increases	Total
Washington.....	1,199	(1)	1,304	(1)	11	1,314
U. S. field.....	3,817	(54)	4,420	(54)	251	4,617
Foreign field.....	391	...	407	...	21	428
Total.....	5,407	(55)	6,131	(55)	283	6,359

Drug Enforcement Administration
Salaries and expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1990 End of		1990		1991		1992	
	Year	Inventory	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year
Direct Purchase:								
Large sedan		134	...	...	134	...	...	...
Midsize sedan		1,465	703	499	1,679	1,222	775	2,126
Compact sedan		992	...	...	992	...	...	...
Subcompact sedan		166	...	...	166	...	...	...
Small sedan		1	...	...	1	...	...	...
Station wagon		36	...	...	36	...	...	...
Van		41	...	...	41	...	...	...
Bus		1	...	...	1	...	...	...
4-wheel drive		132	...	...	132	...	...	...
Special purpose		5	...	...	5	...	...	...
Sedan		21	...	...	21	...	...	...
4-wheel drive		21	...	...	21	...	...	...
Other		21	...	...	71	...	...	...
Trucks:		7	...	...	7	...	...	...
Pickup		1	...	...	1	...	...	...
Other	
Subtotal purchased		3,073	703	499	3,287	1,222	775	3,734
Leased:								
Midsize	
Seized or not cost excess								
Limousine		2	...	...	2	...	...	...
Large sedan		40	...	...	40	...	...	...
Midsize sedan		379	350	350	379	350	350	350
Other		643	...	...	643	...	...	...
Subtotal seized		1,064	350	350	1,064	350	350	350
Total vehicles		4,137	1,053	839	4,351	1,572	1,125	4,798
								\$16,015
								1,040
								5,122

Organisation - Drug Enforcement Administration

Schedule of Aircraft

	1990				1991				1992			
	Year	Inventory	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired
Direct Purchases:												
Fixed wing												
Single engine	22	...	...	...	22	...	...	22	...	...	22	...
Multi-engine	10	1	2	9	4	...	...	13	...	...	13	...
Helicopter	3	...	...	...	3	2	...	5	...	...	5	...
Single engine	4	2	...	...	6	...	...	6	...	...	6	...
Multi-engine												
Subtotal purchased	39	3	2	40	6	0	46	0	46	0	46	...
Leased:												
Fixed wing												
Multi-engine (turbine)	...	...	...	...	...	...	...	...	...	...	...	...
Seized:												
Fixed wing												
Single engine	13	1	1	13	...	...	...	13	2	2	13	...
Multi-engine	31	3	3	31	2	...	...	33	2	2	33	...
Helicopter	2	3	...	5	...	...	...	5	2	2	5	...
Single engine (turbine)	0	...	...	0	...	...	...	0	...	...	0	...
Twin engine												
Subtotal seized	46	7	4	49	2	0	51	6	6	6	51	...
Military:												
Fixed wing	5	...	1	4	...	...	...	4	...	...	4	...
Helicopter	...	...	...	...	9	...	...	9	...	...	9	...
Subtotal military	5	...	1	4	9	...	...	1	...	...	13	...
Total aircraft	90	10	7	93	17	0	110	6	6	6	110	...

* Number of direct purchase aircraft are different than reported in 1991 Congressional Budget because of procurement actions that were not completed in 1989 and 1990. Also, number of aircraft seized are only estimates and are subject to change.

Summary of Change, Continued
 (Dollars in thousands)

	Perm. Pos.	Work- years	Amount
Decreases:			
Nonrecurring costs associated with 724 new positions authorized in 1991.....	...	...	(833,274)
Nonrecurring costs for one time special costs authorized in 1991.....	...	...	(27,377)
Financial Operations Services.....	...	...	(475)
CSA Recurring Reimbursable Services.....	...	...	(443)
Savings due to special agent relocation policy.....	...	...	(2,719)
Savings due to reduced number of special agents at Headquarters.....	...	...	(381)
Total, decreases.....	0	0	(64,889)
1992 Base.....	6,071	6,033	706,422
Program Increases.....	283	142	41,535
1992 Request.....	6,354	6,175	747,957

Drug Enforcement Administration
Salaries and expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Pos.	VF	Amount
Transfers to and from other accounts:			
1. Transfer to Executive Office for Assets Forfeiture.....	(1)	(1)	(876)
Mandatory increases:			
1. One Additional Compensable Pay.....	...	...	1,070
The annual salary rate for federal employees is based on 260 paid days. 1992 has one more compensable day (262) than 1991 (261). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$749,000 for pay and \$321,000 for benefits.			
2. 1991 Pay Annualization.....	...	...	2,737
This pay annualization represents first quarter amounts (October through December) of the 1991 4.1 percent pay increase effective in January of 1991 plus appropriate personnel benefits (\$2,013,000 pay and \$744,000 benefits).			
3. 1992 Pay Rate.....	...	...	11,695
This request provides for the proposed 4.2 percent pay raise to be effective in January of 1992. The amount requested, \$11,695,000, represents the pay amount for three-quarters of the fiscal year plus appropriate benefits (\$8,886,000 pay and \$2,807,000 benefits = \$11,693,000).			
4. Annualization of 1991 Positions.....	...	362	32,359
This provides for the annualization of 744 additional positions approved in 1991 for:			
	Approved 1991 Increase	Annualization Required	
Annual salary rate of 744 approved positions in 1991.....	\$24,527	...	
Less lapse.....	(12,219)	\$12,219	
Other personnel compensation.....	1,329	2,996	
Net compensation.....	13,637	15,217	
Associated employee benefits.....	4,718	3,713	

	Approved 1991 Increase	Annualization Required
Other Lapsed costs:		
Travel.....	\$648	\$1,373
Rent, Communications, & Utilities.....	9,576	4,279
Other Services.....	2,773	6,384
Supplies & Materials.....	578	1,318
Total costs subject to annualization.....	31,880	32,359

	Pos.	VT	Amount
5. Annualization of Executive Level/SES Pay Increases..... This request of \$168,000 represents only the first quarter costs (October through December) of the Executive Level and Senior Executive Service proposed salary increases effective in January of 1991 (\$121,000 for pay and \$47,000 for benefits).	\$168
6. Federal Law Enforcement Pay Reform Act of 1990..... This request includes \$11,133,000 to implement the Federal Law Enforcement Pay Reform Act of 1990. It includes full-year funding for law enforcement personnel for the following provisions of the Act: entry level and geographic pay and benefits provisions; language bonus provision; retention and relocation allowance provisions; and overtime and premium pay provisions. No increases are requested for support positions.	\$11,133
7. General Pay Reform Costs..... The request for costs covered by the Federal Employees Pay Comparability Act of 1990 established essential Departmental cost requirements for this new government-wide pay system, which attempts to achieve full pay parity between Federal and non-Federal employees on a geographic basis. This increase allows \$1,868,000 for fifty percent of the Department's request for the Acts locality comparability pay provision for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide adjustments for new positions, appropriate benefits, vacancy rates and cost-of-living increases. No increases are requested for discretionary allowances.	1,868
8. Accident Compensation..... This increase reflects the billing provided by the Department of Labor for the actual costs in 1990 of employees' accident compensation. The 1992 amount will be \$1,087,000 over the 1991 base.	1,087

Pos.	VT	Amount
9. Health Benefits.....	...	\$1,317
The Federal Employees Health Benefits Act (P. L. 93-246) provided that the Government's share of health insurance would be sixty percent of the total rate commencing in 1975. Effective the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 16 percent due primarily to changes in enrollment plan since several plans are no longer available. The requested increase of \$1,317,000, or 15.23 percent, provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year.		
10. Federal Employees Retirement System (FERS).....	...	4,081
This request provides for the additional costs in 1992 necessary to continue the implementation of the Federal Employees Retirement System Act of 1986, P.L. 99-335. This act established a retirement program for Federal civilian employees and Postal workers hired after December 31, 1983 who are covered by Social Security and for employees under the Civil Service Retirement System who elected to transfer to this system. This increased requirement of \$1,081,000 for 1992 is based on actual agency payments in 1990 for the basic FERS annuity, Social Security and Thrift Savings Plans.		
11. Federal Insurance Contribution Act (FICA).....	...	247
Beginning the first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated increased to \$51,300. In addition, the rate increased to 7.65 percent. Medicare rates remained at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. This increase of \$247,000 is computed based on these rate changes.		
12. Foreign Allowances.....	...	879
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The State Department anticipates a 10 percent increase in 1992. The requested increase of \$879,000 provides 10 percent more than the \$8,790,000 budgeted for 1991.		
13. Distributed Administrative Support.....	...	956
Under the Foreign Affairs Administrative Support agreement an annual charge is made by the DOS for administrative support items. The amount of this charge is determined by the DOS. DOS advises that a 10 percent increase in foreign operations costs is anticipated. The increase of \$956,000 is based on a 1991 base availability of \$9,560,000.		

Pos.	WT	Amount
...
14. Travel: Mileage.....	...	\$34
The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the Continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 21.0 cents per mile. This increase provides \$34,000 for this change in allowance.		
15. Government Printing Office (GPO) and Department Printing.....	...	67
GPO is currently projecting a six percent increase over the 1991 printing costs of \$1,116,000. An additional \$67,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.		
16. Security Investigations.....	...	40
The Office of Personnel Management (OPM) has notified users of an 8 percent increase in the standard rate charged for each full-field investigation over the 1991 base cost of \$2,300. The mandatory increase is calculated on the separation rate of 217 persons for 1991 (based on 1990 actuals) for a total increase of \$40,000.		
17. General Services Administration (GSA) Rent.....	...	7,269
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the tremendous increase in rental charges, GSA has allowed an overall 15 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$7,269,000 provides for this actual increase over the expected 1991 billing level.		
Total, mandatory increases.....	361	76,971
Decreases:		
.....		
1. Nonrecurring modular costs associated with 724 new positions authorized in 1991.....	...	(33,274)
This decrease reflects the non-policy nonrecurring costs associated with 724 positions approved in 1991. Included are background investigations, agent permanent change of duty station, training, and technical/ investigative, operating, vehicle, radio, and office automation equipment costs.		

2000

Pos.	VT	Amount																		
2.	...	(\$27,577)																		
Nonrecurring special one-time costs authorized in 1991. This decrease reflects the non-policy nonrecurring of costs associated with one-time enhancements approved in 1991. The table below displays the elements of this item:																				
<table><tr><th>Item</th><th>Amount</th></tr><tr><td>.....</td><td>Nonrecurring</td></tr><tr><td>.....</td><td>.....</td></tr><tr><td>New aircraft</td><td>\$18,495</td></tr><tr><td>Airwing relocation</td><td>4,000</td></tr><tr><td>Technical/investigative equipment</td><td>3,186</td></tr><tr><td>Contract software development</td><td>1,260</td></tr><tr><td>Miscellaneous</td><td>636</td></tr><tr><td>Total</td><td>27,577</td></tr></table>			Item	Amount	Nonrecurring	New aircraft	\$18,495	Airwing relocation	4,000	Technical/investigative equipment	3,186	Contract software development	1,260	Miscellaneous	636	Total	27,577
Item	Amount																			
.....	Nonrecurring																			
.....																			
New aircraft	\$18,495																			
Airwing relocation	4,000																			
Technical/investigative equipment	3,186																			
Contract software development	1,260																			
Miscellaneous	636																			
Total	27,577																			
3.	...	(475)																		
Financial Operations and Systems Services..... Based on current rates of obligation and estimated future requirements for participation in the DOJ Financial Operations and Systems Services and the DOJ Financial Management Information System, DEA projects a cost decrease of \$475,000 in 1992.																				
4.	...	(463)																		
GSA Recurring Releasable Services..... Based on projected actual costs for 1990 - 1991, DEA's payments to GSA for heating, ventilation, air condition/ing, and guard services provided in excess of normal working hours are expected to decrease \$463,000 in 1992.																				
5.	...	(2,719)																		
Savings due to special agent relocation policy..... By extending special agent initial tours of duty; reducing the number of agents in the management track, and effective use of DEA's relocation services, DEA will realize base savings of \$2,719,000.																				
6.	...	(381)																		
Savings due to reduced number of special agents at Headquarters..... This reduction continues DEA's effort begun in 1991 to reduce Headquarters agents administrative costs.																				
Total, decreases.....																				
Total, adjustments to base.....																				
.....	361	12,082																		
.....																		

2001

Drug Enforcement Administration
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade and salary ranges	1990 Actual		1991 enacted		1992 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level III, \$115,300.....	1	1	1	1	1	1	0	0
Executive Level IV, \$108,300.....	1	1	1	1	1	1	0	0
GS-6, \$108,300.....	3	3	3	3	3	3	0	0
GS-5, \$104,600.....	7	7	7	7	7	7	0	0
GS-4, \$100,500.....	45	45	45	45	45	45	0	0
GS/GR-16, \$72,298-89,787.....	8	8	8	8	8	8	0	0
GS/GR-15, \$61,643-80,134.....	143	143	143	143	143	143	0	0
GS/GR-14, \$52,606-68,120.....	532	527	527	527	527	527	0	0
GS/GR-13, \$44,548-57,650.....	1,396	1,517	1,517	1,651	1,651	1,651	134	134
GS-12, \$37,294-48,481.....	858	1,239	1,239	1,292	1,292	1,292	53	53
GS-11, \$31,116-40,449.....	481	511	511	538	538	538	25	25
GS-10, \$28,322-36,818.....	9	9	9	9	9	9	0	0
GS-9, \$25,717-33,430.....	378	375	375	375	375	375	0	0
GS-8, \$23,284-30,246.....	111	110	110	110	110	110	0	0
GS-7, \$21,023-27,332.....	606	600	600	600	600	600	0	0
GS-6, \$18,919-24,598.....	291	435	435	505	505	505	70	70
GS-5, \$16,973-22,067.....	317	315	315	315	315	315	0	0
GS-4, \$15,171-19,725.....	122	165	165	165	165	165	0	0
GS-3, \$13,515-17,374.....	20	45	45	45	45	45	0	0
Ungraded positions.....	21	21	21	21	21	21	0	0
1992 pay increase.....	...	...	...	11,851	...	11,851	0	11,851
Total, appropriated positions.....	5,350	200,623	6,077	231,206	6,359	261,833	282	28,627
Pay above stated annual rates.....	...	...	...	759	...	1,508	...	749
Lapses.....	(247)	(9,064)	(405)	(15,355)	(106)	(7,520)	221	7,835
Savings due to lower pay scales for part of year.....	...	(2,145)	...	(1,430)	...	(2,814)	...	(1,384)
Net full-time permanent.....	5,103	189,414	5,672	211,180	6,176	253,007	503	35,827

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Summary of Requirements by Grade and Object Class, Continued
(Dollars in thousands)

Grade and salary ranges	1990 Actual			1991 enacted			1992 Estimate			Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	
Other than permanent:											
Part-time permanent.....	13	\$313	10	\$267	10	\$267	10	\$267	...	...	...
Temporary employment.....	64	1,339	50	1,333	50	1,333	50	1,333	...	...	...
Other part-time and intermittent employment.....	25	661	20	533	20	533	20	533	...	...	...
Other personnel compensation:											
Overtime.....	66	1,695	74	2,818	81	3,603	81	3,603	7	\$785	7
Administratively uncontrollable overtime.....	685	17,598	817	31,115	837	37,235	837	37,235	20	6,120	20
Other compensation.....	72	1,850	80	3,047	80	3,559	80	3,559	0	512	0
Total, workyears and personnel compensation.....	6,028	213,010	6,723	253,293	7,253	299,537	7,253	299,537	530	43,244	530
Average ES Salary.....		(\$79,720)		(\$101,811)		(\$101,811)		(\$101,811)			
Average GS/OR Salary.....		(\$36,695)		(\$37,914)		(\$37,914)		(\$37,914)			
Average GS/OR Grade.....		(10.47)		(11.26)		(11.26)		(11.26)			

Summary of Requirements by Grade and Object Class, Continued
(Dollars in thousands)

	1990 Actual		1991 enacted		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Other objects:								
11.1 Full-time permanent.....	5,103	\$189,414	5,672	\$217,180	6,175	\$253,007	503	\$35,827
11.3 Other than full-time permanent.....	102	2,453	80	2,133	80	2,133	0	0
11.5 Other personnel compensation.....	823	21,143	971	36,980	998	44,397	27	7,417
Total.....	6,028	213,010	6,723	256,293	7,253	299,537	530	43,244
12 Personal benefits.....		58,586		71,137		91,276		\$30,117
13 Benefits for former personnel.....		173		0		0		0
21 Travel and transportation of persons.....		21,061		30,914		29,872		(1,042)
22 Transportation of things.....		3,479		3,567		2,966		(601)
23.1 GSA rent.....		30,647		37,203		47,625		10,422
23.2 Rental payments to others.....		9,351		6,415		6,416		1
23.3 Communications, utilities and miscellaneous charges.....		37,187		48,600		49,604		1,004
24 Printing and reproduction.....		1,643		1,658		1,491		33
25 Other services.....		127,071		123,871		131,151		7,480
26 Supplies and materials.....		22,930		16,740		18,970		2,230
31 Equipment.....		26,303		84,361		47,754		(36,607)
32 Lands and Structures.....		6,597		8,676		6,957		281
41 Grants.....		0		12,011		12,011		0
42 Insurance claims.....		319		129		129		0
Total obligations.....	6,028	558,357	6,723	701,395	7,253	747,957	530	46,562

Summary of Requirements by Grade and Object Class, Continued
(Dollars in thousands)

	1990 Actual		1991 enacted		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Recovery of prior year obligations.....		(312)						
Unobligated balance, start of year.....		(\$16,749)		(7,055)				
Unobligated balance, end of year.....		7,055						
Unobligated balance lapsing.....		358						
Total Requirement.....		\$18,709		68,340		747,957		
Relation of obligations to outlays:								
Total obligations.....		558,357		701,395		747,957		
Reduction of offsetting collection pursuant to P.L. 99-177.....								
Obligated balance, start of year.....		121,472		125,727		190,783		
Obligated balance, end of year.....		(126,727)		(190,783)		(248,377)		
Adjustments in expired accounts.....		(13,089)						
Adjustments in unexpired accounts.....		(312)						
Outlays.....		\$59,701		637,359		690,343		

Drug Enforcement Administration			
.....			
Consulting and Related Services			
.....			
(Dollars in thousands)			
	1990	1991	1992
	Actual	Estimate	Estimate
.....			
Consulting Services.....	...	...	...
Management and Professional Services	...	...	...
Special Studies and Analysis.....	563	1,700	2,500
Total.....	\$563	\$1,700	\$2,500

Consulting and related services are used in the Drug Enforcement Administration only for services which cannot be performed in-house. Services are required for information systems requirements analysis studies, personnel recruitment analysis and validation required by court order, research and engineering studies and development of prototype devices for federal law enforcement activities.

The development of state of the art undercover law enforcement devices is essential to further the success of anti-drug related activities. Rapid detection of drug offenders and the deployment of forces is essential to the success of anti-drug efforts. Of particular concern is the safety of the public and law enforcement personnel in the performance of their duties.

Identification and replacement of systems and procedures that are more efficient, economical, and useful in anti-drug activities is essential for the 1990's. Major projects on systems analysis and design are required to meet the needs of the 1990's.

2006

Mr. EARLY. We are pleased to welcome for his first appearance before the Committee the Administrator of the DEA, Mr. Robert C. Bonner.

Mr. Bonner, we will place your biography and written testimony into the record and ask that you proceed with your statement.

[The information follows:]

ROBERT C. BONNER, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION

Robert C. Bonner was appointed Administrator of the United States Drug Enforcement Administration (DEA) by President George Bush on July 31, 1990. When selected by President Bush to head the nation's lead agency in drug law enforcement, he had been serving as United States District Judge for the Central District of California (Los Angeles) since June 16, 1989.

Prior to being named to the Federal judiciary, Judge Bonner had been the United States Attorney for the Central District of California for more than five years. In that post, and during nearly five years (1971-75) as an Assistant United States Attorney, he was active in numerous complex drug trafficking, money laundering, and conspiracy cases, and was especially involved in prosecutions related to the kidnapping and torture-murder of Enrique "Kiki" Camarena, the DEA agent who was killed in Mexico in 1985 by Mexican drug lords.

Judge Bonner was a partner in the Los Angeles law firm of Kadison, Pfaelzer, Woodard, Quinn & Rossi from 1975 until his appointment as the United States Attorney.

He was born on January 29, 1942, in Wichita, Kansas. He graduated *magna cum laude* from the University of Maryland in 1963, and in 1966 received his Juris Doctor degree from Georgetown University.

Judge Bonner served three years, from 1967 until 1970, on active duty in the U.S. Navy's Judge Advocate General Corps, including sea duty aboard the U.S.S. *Franklin D. Roosevelt*.

STEPHEN H. GREENE ACTING DEPUTY ADMINISTRATOR DRUG ENFORCEMENT ADMINISTRATION

Stephen H. Greene was nominated as the Acting Deputy Administrator for the Drug Enforcement Administration (DEA) on February 15, 1991.

In his previous assignments, he served as Assistant Deputy Administrator for Operations; Deputy Assistant Administrator for the Office of International Programs; Associate Special Agent in Charge of the DEA Los Angeles Field Division; Executive Assistant to the Assistant Administrator for Operations and as a Senior Inspector in Washington, D.C.

Mr. Greene entered on duty with Federal Government as a Special Agent in Baltimore, Maryland in 1968. He has served overseas as a Special Agent in Saigon, Vietnam; Hong Kong, B.C.C; and Bangkok, Thailand. Mr. Greene was the Country Attache in Saigon during the fall of the South Vietnamese Government in 1975.

Mr. Greene was the recipient of the President's Distinguished Executives Award in 1991.

Mr. Greene was graduated with a Bachelor of Science in Government and Political Science from the University of Maryland. He is married to the former M. Kathleen Carlock.

OPENING STATEMENT

Mr. BONNER. Thank you Mr. Chairman and members of the committee.

I am pleased to be here today. This is my first opportunity since my appointment as Administrator of the Drug Enforcement Administration (DEA) last August to testify before the subcommittee.

I have made it, of course, my business in the last six or seven months to become familiar with and to evaluate the capabilities and needs of DEA. The request before you represents a rather modest, yet balanced, plan for maintaining DEA efforts in our Na-

tion's battle against illegal drugs. DEA is the lead drug law enforcement agency of the United States and is at the forefront of the U.S. efforts to curb drug trafficking and to destroy drug trafficking organizations. Last year, DEA made nearly 22,000 arrests, 65 percent of which were major drug violators.

ACCOMPLISHMENTS

Significant examples of DEA efforts, Mr. Chairman and Members of the subcommittee, include the indictment just last week of one of the top leaders of the Cali Cartel, Guillermo Rodriguez and 42 other members of the Cali drug cartel. Other examples of significant prosecutions that have resulted from DEA investigations, include the recent conviction just two months ago in Miami of Luis Arce Gomez, who was the former Bolivian Minister of Interior, and the recent conviction of Juan Ramon Matta Ballesteros. Matta was another key figure in the Cali Cartel. In fact, our evidence indicates he was the connection between the Colombian and Mexican drug trafficking organizations, which were responsible for the significant trafficking of cocaine through Mexico by the Colombian drug organizations.

In addition, I might point out that, just a few months ago in Los Angeles and San Diego, Jorge Roca Suarez, another major Bolivian drug trafficker, was indicted as a result of a DEA investigation. Of course, this Committee is also aware of DEA's investigation which underlies the prosecution of Manuel Noriega.

Further, Operation Leyenda, which was the DEA investigation into the kidnapping and murder of DEA agent Kiki Camarena, resulted last August in the conviction of four defendants in Federal District Court in Los Angeles on charges arising from the kidnapping, torture, and murder of Special Agent Camarena, as well as two American tourists, who happened to be in Guadalajara, Mexico, in early 1985, and were mistaken for DEA agents and, as a result, were tortured and murdered. That brings to a total of seven defendants convicted as a result of the DEA investigation and those participating in the kidnap and murder of Special Agent Camarena.

DEA has recognized significant successes in the State and local arena as well. Through our Domestic Cannabis Eradication Program, DEA has provided valuable assistance to State and local agencies in the eradication of nearly 126 million marijuana plants. In one of the more sophisticated marijuana investigations, DEA, together with local law enforcement agencies, seized a record indoor marijuana plantation in Arizona last October. A total of 14,500 marijuana plants were seized in this one raid alone.

Financial investigations represent another area where DEA has excelled. In 1990, DEA seized over \$1 billion worth of illegal drug-related assets, setting yet another record. These seizures resulted in a major source of income for the Assets Forfeiture Fund. Indeed, over 80 percent of the resources deposited into the Assets Forfeiture Fund are the result of DEA asset seizures. Many of these seizures, as the Committee is aware, are shared with State and local law enforcement agencies which participated with DEA in the investigations leading to these asset seizures.

2008

Chemical control was another significant issue for DEA in 1990. DEA was a primary sponsor of a chemical control conference held in Brussels last June. DEA also initiated diplomatic efforts to facilitate the development of a European chemical control policy. In addition, bilateral chemical control agreements were negotiated with Colombia, Peru, Bolivia, Panama, and Ecuador.

One thing is apparent, drug traffickers and their organizations have suffered disruption. In 1990, for the first time in over a decade, the price of cocaine in the United States rose fairly sharply, about 50 percent.

I think this underscores that only in an environment where law enforcement makes illegal drugs more expensive and harder to get, can prevention, education, treatment and community action programs succeed in curbing demand.

DEMAND REDUCTION

DEA itself has been active in reducing the demand for drugs through its Demand Reduction Program. For example, DEA's Sports Drug Awareness Program has received support, not only from professional athletes, but also from college and high school coaches. Just last week, DEA, in conjunction with the National Youth Sports Coaches' Association and the Just Say No Foundation, kicked off a basketball program involving 1,200 inner-city youth right here in the District of Columbia. The coaches involved, in that program, are all trained in demand reduction and the program will provide continual reinforcement for the anti-drug message.

While there are signs of progress and, indeed, there are, the drug crisis is far from over. This is not the time to stand pat or, in any way, slacken our efforts or our resolve.

BUDGET REQUEST

The Administration's 1992 budget request for DEA totals 6,359 positions and \$748 million. In addition, 1,103 positions and \$107.2 million are requested separately for DEA's participation in the Organized Crime Drug Enforcement Task Force (OCDETF) Program. This includes program enhancements of 283 positions and \$41.5 million in direct funds and 114 positions and \$12.9 million for the OCDETF program. Combined, these enhancements provide an additional 224 DEA Special Agents and \$54.4 million for DEA's drug law enforcement activities.

DEA's 1992 direct appropriation request is divided into two basic funding initiatives, which I am going to very briefly describe.

The first initiative is designed to enhance DEA's ability to target and immobilize major drug traffickers and their organizations. Special Agent resources requested in the 1992 budget will be targeted on specific drug problems. These include major importation and distribution centers for cocaine and heroin, as well as production and distribution centers for domestically manufactured synthetic drugs.

The request also includes funding for an additional seven State and local task forces to help fight trafficking at the local level, and

2009

an expansion of personnel to assist State and local government with respect to domestic marijuana eradication initiatives.

The foreign component of DEA's 1992 request will provide 12 additional Special Agent positions to expand DEA's offices in Colombia, Brazil, Guatemala, Ecuador, and Chile, in order to further our Latin American initiatives.

Finally, DEA seeks to continue its efforts to implement the Chemical Diversion and Trafficking Act, both domestically and abroad, by verifying the legitimacy of chemical importers, exporters and foreign customers of U.S. chemical exporters. This request provides 29 additional diversion investigator positions.

Incidentally, I might mention that Congress, through the passage of the Anabolic Steroid Control Act of 1990, which just became effective three weeks ago, gave DEA the lead responsibility to halt steroid trafficking and abuse. DEA must now regulate the legitimate steroid industry and, indeed, is taking steps to regulate and enforce this new law.

When I say new law, in essence Congress shifted a pre-existing law which involved investigation by the Food and Drug Administration. Congress shifted anabolic steroids for the first time into the Controlled Substances Act. It made anabolic steroids a Schedule III controlled substance, which comes, as this Committee knows, under DEA's enforcement and regulatory responsibilities.

So, we are now involved in regulating the legitimate steroid industry, as well as conducting criminal investigations into the unlawful manufacture and distribution of anabolic steroids. To this end, I have initiated a plan of action that involves our Special Agents, our Diversion Investigators as well as our Demand Reduction Specialists.

DEA's second initiative seeks to strengthen operations through the development of a sound infrastructure, indeed, to begin the road to recovery for DEA's infrastructure. The request includes \$1.5 million for an architectural and engineering study designed to merge DEA's two Washington-area labs, these are our experimental lab and our lab that covers the mid-Atlantic States, into one facility. It includes additional funds and positions to support domestic investigative efforts, such as modern investigative equipment for fingerprint examination and electronic surveillance to keep pace with changing technology and the increasing sophistication of drug traffickers and their organizations. It also includes funds to operate forfeited aircraft and to purchase replacement vehicles. Nearly one-fourth of DEA's vehicle fleet is on its last leg and exceeds our replacement criteria.

It provides additional staff for improved quality assurance and safety for DEA's aviation program and provides additional administrative support in small domestic field offices, to relieve Special Agents from clerical tasks.

This initiative also includes additional funds and positions to enhance DEA's ADP capabilities. Computer specialists are requested to support DEA's office automation program so that a modern system can be fully implemented. Additional staff is also requested to integrate ADP systems at the El Paso Intelligence Center.

Finally, funds are requested to contract for information resource specialists to assist DEA field divisions in managing ADP systems

2010

at the local level and to support major refinements to DEA headquarters based administrative support automated data processing systems.

COMMITMENT TO THE DRUG WAR

I can't tell this committee how privileged I am to head the Drug Enforcement Administration and how proud I am to be associated with the men and women of DEA. Their efforts, under often very difficult and dangerous circumstances, are an indication of how truly dedicated and motivated DEA agents and DEA personnel are in ridding our country of the scourge of drugs.

As we face the challenge of the decade of the 1990s, attention must remain focused on the issue of illegal drug production and trafficking. Our Nation's fight against drugs is a long-term campaign, and success requires a steady and sustained effort. I urge this Committee to support this request, to assist DEA in pursuing its aggressive efforts toward implementing the National Drug Control Strategy and maintaining a strong Federal drug enforcement effort.

Mr. Chairman, that concludes my remarks. I welcome any questions that you or other Members of the subcommittee may have.
[The prepared statement of Mr. Bonner follows:].

2011

DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

STATEMENT OF THE ADMINISTRATOR
ROBERT C. BONNER
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today in support of the Drug Enforcement Administration's budget request for fiscal year 1992. Since assuming the position of Administrator of Drug Enforcement last August, I have carefully analyzed DEA's capabilities and needs. The request before you represents a modest, yet balanced, plan for maintaining DEA in our Nation's battle against drugs.

Drugs--A Global Problem

Narcotics production, trafficking, and abuse are global issues which will have a significant and continuing impact in the decade of the 1990s on all nations and societies. There is no greater threat facing our Nation in the long term than that posed by illegal drugs. Whether we win or lose our battle against illegal drugs in this decade depends on what we do--or fail to do.

I need not describe to you the ravaging effects of illegal drugs on our country. Unfortunately, the terrible toll in terms of human life, financial losses, and drug-related violence plaguing the United States has spread worldwide. Drug abuse, production, and trafficking are serious problems in South

2012

America, Mexico, and Asia. Coca cultivation and cocaine production remains at unacceptably high levels in the Andes. Southeast and Southwest Asian opium production and heroin trafficking have not diminished. The cocaine/crack crisis currently assaulting the United States is beginning to spill across the Atlantic into Europe. Even the Soviet Union has reported that heroin and hashish use are becoming common.

Action By DEA

The United States has taken the lead in curbing this global problem, and DEA as the lead drug law enforcement agency, has been and continues to be at the forefront of this effort.

Domestically, DEA made 21,799 arrests in 1990, 65 percent of which were of principal violators. DEA has increased its focus on quality investigations, targeting trafficking organizations at their highest levels. Examples include Operation Polar Cap, and the investigations of Luis Arce Gomez, Juan Matta Ballesteros, Jorge Roca Suarez, and Manuel Noreiga. Further, Operation Leyenda capped one of the most significant investigations in DEA history when it led to the conviction last August of four defendants on various charges relating to the kidnapping, torture, and murder of DEA Special Agent Enrique Camarena and the murders of two American tourists in Guadalajara, Mexico, in 1985.

DEA has realized significant successes in the State and local arena as well. DEA's State and Local Task Forces made over 5,600 arrests and seized assets totalling more than 140 million

2013

dollars in 1990. Through the Domestic Cannabis Eradication Suppression Program, DEA provided valuable assistance to State and local agencies in the eradication of nearly 126 million marijuana plants. In one of the more sophisticated marijuana cases, DEA and local law enforcement agencies seized a record indoor marijuana plantation in Arizona last October. This site was fitted with state of the art hydroponic equipment and was producing high grade sinsemilla. A total of 14,500 marijuana plants were seized in this raid with a street value of some 29 million dollars.

DEA also realized significant success in disrupting major trafficking organizations through the targeting of drug-related assets. In 1990, DEA seized over one billion dollars worth of illegal drug-related assets, setting a new record. Not only are we stripping traffickers of their ill-gotten gains, by our making use of the proceeds of seized assets, these traffickers are helping to finance part of the drug enforcement effort.

In the foreign arena, DEA, with the State Department's approval, signed Memoranda of Understanding (MOU) on bilateral narcotics cooperation with Soviet Customs and the Laos People's Democratic Republic in 1990. DEA is currently participating in the negotiation of similar MOU with the Government of Czechoslovakia.

Under the auspices of the International Narcotics Control Board of the United Nations, DEA was a primary sponsor of a chemical control conference held in Brussels last June. The

2014

United States has initiated diplomatic efforts to facilitate the development of a European chemical control policy in response to evidence indicating that Andean nations have shifted to European sources for the purchase of essential chemicals. In addition, bilateral chemical control agreements have been negotiated with Colombia, Peru, Bolivia, Panama, and Ecuador.

Early Results

One thing is apparent--drug traffickers and their organizations have suffered disruption. In 1990, for the first time since the cocaine epidemic began over a decade ago, the price of cocaine rose, from a low of 11 thousand dollars per kilo to 18 thousand dollars at the end of 1990.

In the past three years several top Colombian cartel leaders have been removed or incapacitated:

- o Carlos Lehder.
- o Juan Matta Ballesteros.
- o Gonzalo Rodríguez Gacha.
- o Gustavo Gaviria.
- o The infamous Pablo Escobar of the Medellín Cartel is on the run.
- o Three of the Ochoa brothers, Jorge, Fabio, and Juan David, have surrendered to Colombian authorities.

Just a few years ago no one would have thought this possible.

2015

Only in an environment where law enforcement makes illegal drugs hard to get can prevention, education, treatment, and community action succeed in curbing demand. DEA has been active in reducing the demand for drugs through its demand reduction program. This program targets the children and youth of America, describing in detail the mental and physical destruction that accompanies drug use. DEA's Sports Drug Awareness program has received support not only from professional athletes, but also college and high school coaches. Just last week, DEA, in conjunction with the National Youth Sports Coaches Association and the Just Say No Foundation, kicked off a basketball program for 1,200 inner-city youth in the District of Columbia. The coaches involved are all trained in demand reduction and the program will provide continual reinforcement of the anti-drug message.

While there are signs of progress, the drug crisis is far from over. This is not the time to stand pat or slacken our efforts.

DEA's 1992 Budget Request

The Administration's 1992 budget request totals 6,359 positions and 748 million dollars for DEA. In addition, 1,103 positions and 107.2 million dollars are requested separately for DEA's participation in the Organized Crime Drug Enforcement Task Force (OCDETF) program. This includes program enhancements of 283 positions and 41.5 million dollars in direct funds and 114

2016

positions and 12.9 million dollars for OCDETF. Together, these enhancements provide an additional 224 Special Agents and 54.4 million for DEA's drug law enforcement activities.

DEA's 1992 direct appropriation request is divided into two basic funding initiatives, which I will briefly describe.

The first initiative is designed to enhance DEA's ability to target and immobilize major drug traffickers. This request contains 260 positions, including 134 Special Agents, and 30.2 million dollars. The request builds upon the major drug enforcement objectives, both domestic and foreign, developed by DEA and the Office of National Drug Control Policy (ONDCP). The initiative primarily targets Federal efforts on complex, interstate, cross-jurisdictional trafficking enterprises.

The domestic increases requested will be deployed primarily in the High Intensity Drug Trafficking Areas (HIDTA) and other regions that are significant in terms of their impact on drug production, trafficking, and distribution. Such actions, coupled with DEA's 1991 allocation of agents among HIDTA areas and small and mid-sized cities, will diminish the flow of drugs into America's heartland.

Special Agent resources requested in the 1992 budget will be targeted on specific drug problems. These include the major importation and distribution centers for cocaine and heroin and production and distribution centers for synthetic drugs.

The request also includes funding for an additional seven State and Local Task Forces to help fight trafficking at the

2017

local level, and an expansion of personnel to assist State and local government initiatives in domestic cannabis eradication.

The foreign component of DEA's 1992 request will provide additional Special Agents to expand DEA offices in Brazil, Chile, Colombia, Ecuador, and Guatemala in order to further our Latin American initiatives.

Finally, DEA seeks to continue its effort to implement the Chemical Diversion and Trafficking Act both domestically and abroad by verifying the legitimacy of chemical importers, exporters and foreign customers of U.S. chemical exporters. This request provides 29 additional diversion investigators.

Incidentally, the Congress, through passage of the Anabolic Steroid Control Act of 1990, gives DEA the responsibility to halt steroid trafficking and abuse. DEA must now regulate the legitimate steroid industry as well as conduct criminal investigations concerning the unlawful manufacture, distribution, possession, and importation of anabolic steroids. To this end, DEA is implementing a plan of action that involves our Special Agents, Diversion Investigators, and Demand Reduction Specialists.

DEA's second initiative seeks to strengthen operations through development of a sound infrastructure. This request includes 23 positions and 11.3 million dollars to rectify existing infrastructure shortfalls.

2018

The growth over the past few years of DEA's front-line resources has outpaced the capacities of its management systems, support workforce, and physical infrastructure.

This second initiative begins the road to recovery for DEA's infrastructure. Preliminary findings of a consultant's review of DEA's laboratory facilities suggest that as many as seven of the nine labs require major modifications. This request includes 1.5 million dollars for an Architectural and Engineering study designed to merge DEA's two Washington-area labs into one facility. In addition, it includes additional funds and positions to support domestic investigative efforts. Requested enhancements include funds to purchase modern investigative equipment for fingerprint examination and wire taps to keep pace with changing technology, to operate forfeited aircraft, and to purchase replacement vehicles--26 percent of DEA's current vehicle fleet exceed our replacement criteria. Additional staff is also requested to provide improved quality assurance and administrative support for DEA's aviation program and to provide additional clerical support in small domestic field offices to relieve Special Agents from clerical tasks.

This initiative also includes additional funds and positions to enhance DEA's ADP capabilities. Computer specialists are requested to support DEA's Office Automation project so that a modern system can be fully implemented. Additional staff is also requested to integrate ADP systems at the El Paso Intelligence Center. Finally, funds are requested to contract for information

2019

resource specialists to assist DEA field divisions in managing ADP systems at the local level and to support major refinements to DEA's headquarters-based administrative support automated data processing systems.

Commitment to the Drug War

I cannot tell you how proud I am to be associated with the men and women of DEA. Their efforts, often under trying circumstances, are an indication of how truly dedicated they are to ridding the scourge of drugs in the United States and around the world.

Additionally, I want to mention that 32 of the many DEA employees who serve their country in the National Guard and Reserves were called to active duty in Operation Desert Storm. Special Agent Eugene McCarthy, a Marine Corps reservist, was recently killed in action when his helicopter crashed in the Saudi desert. DEA is extremely proud of Special Agent McCarthy and the other DEA men and women for their dedication.

As we face the challenges of the decade of the 1990s, attention must remain focused on the issues of narcotics production and abuse. The Nation's fight against drugs is a long-term campaign, and success requires a sustained effort. I urge you to support this request to assist DEA in pursuing aggressive efforts toward implementing the National Drug Control Strategy.

2020

Mr. Chairman, this concludes my remarks. I welcome any questions you or the members of the Subcommittee may have regarding DEA's 1992 budget request.

FEDERAL DRUG CASES

Mr. EARLY. Well, Mr. Bonner, the Committee wants to welcome you here.

The committee has been basically pleased with the DEA as far as their approach has been. And your appointment by the President, where he reached in and took a district court judge, was fine. There have also been many in-house promotions, as far as your deputy administrator, who is sitting next to you. Mr. Greene is from in-house. It just seems to work much better when there are in-house promotions and the people who know the most about the problems are the ones who are making the advancements and then you get appointed to more or less oversee it. That's when it can work best.

I think you spoke of the major convictions, arrests and convictions that you have had recently. Those are very impressive, but you also spoke to education. Education seems to be, in this Member's eyes, what is making the most progress in the drug war.

I am also impressed that, by you having been a district court judge, concerns have been raised about the impact the war on drugs has had on our federal courts. It is more a philosophical question, Mr. Bonner.

In many judicial districts, civil cases have all been put aside due to large criminal caseloads. What concerns many judges are the low priority cases such as the mules who carry the drugs that they believe should not be tried in federal courts.

Do you believe that these lower level cases are unnecessarily clogging up the federal courts?

Mr. BONNER. Well, I know from my own experience on the Federal District Court in Los Angeles and in conversations I've had with Federal judges here and around the country that there is some concern. There are a greater number of Federal drug cases today than there were, for example, ten years ago, and they represent a greater percentage of the Federal criminal cases.

In fact, if you will look over the last ten-year period, roughly, 25 percent of all the Federal criminal cases filed in Federal court were drug cases as opposed to in 1980 when about ten percent of the cases were drug cases.

It is a phenomena of drug cases that a larger percentage of cases go to trial than other kinds of Federal criminal cases. That has been historically true, certainly, since my days as a Federal prosecutor in Los Angeles.

So, there is an impact from these cases and from this effort. I don't think there is a lot of riffraff in the Federal cases. Most Federal cases, because of the criteria that are applied both through the OCDETF program and otherwise, are major cases involving major drug traffickers and their organizations. Their organizations may include people that are at the top level, as well as key players at the mid-level and so forth.

The border districts, Mr. Chairman, by virtue of Federal law that makes it a Federal crime to import or smuggle controlled substances into the United States, are impacted by cases that some of the Federal judges do not see. They are Federal cases because they are significant violations of the Federal law.

FEDERAL COURT CASES VS. STATE COURT CASES

Mr. EARLY. In those big cases with the kingpin, don't we also get 30 or 20 of these mules, so to speak?

What the committee is faced with is a couple billion dollars for construction of prisons and related costs. To operate these prisons over the outyears is going to be \$10 billion, which we don't have. So, we are going to have to make adjustments.

Would it be feasible for the DEA to arrest a kingpin and assign some of the underlings to the State courts, in your opinion?

Mr. BONNER. Well, first of all, I think I ought to make clear that the mules and couriers who are bringing illegal drugs into the United States, very frequently are cases that are investigated by the Customs Service. Someone coming into the United States, either through the land border at Mexico or Kennedy Airport, and possessing heroin or cocaine will be tried in the Federal system.

In terms of attacking organizations and limiting it, let's say, just to the kingpin, I think we have to be very careful when we do that. First of all, there tends to be a single investigation that exposes an entire organization, including the kingpin and other key players at all levels in the organization. Overall efficiency in our Federal system frequently warrants that that case be prosecuted in one place.

If the case involves an international drug trafficking organization, a major interstate or major drug trafficking organization in a particular area, it frequently makes more sense, in the great scheme of things, to keep that case together, rather than to split part of it, and try it and prosecute part in Federal court and then split off part and try it in the State court.

For one thing, you are creating a situation where it is a necessity to have two trials. In some places, it is true that part of a case has been taken out of the Federal system. Frequently, judgments are made by United States Attorneys as to whether or not this can be done and whether it makes sense in the great scheme of things.

Secondly, I would point out to the Committee that there is a building process to cases. Sometimes you have to aim at a mid-level trafficker to develop a case against the higher level players in an organization. That comes with the territory.

In certain circumstances, that can be true of a courier. For example, a courier has been sent by some drug organization. That organization may be in Mexico or in Colombia or in Detroit.

Mr. Chairman, we have to look at the targeting of an entire organization. Sometimes that means that we bring cases that Federal judges don't always like, but are serious violations of Federal law.

CASE AUTONOMY IN FIELD OFFICES

Mr. EARLY. No, I'm not making a case that the judges are complaining. They are not complaining. It's just that they can't keep doing what they are doing.

You have 19 divisional offices and you spoke proudly of your local task forces. Do those local field offices have the autonomy to do what they have to do in each investigation?

Mr. BONNER. Well, they have an operational autonomy in a sense, although they are to keep the DEA headquarters informed

of cases. There are certain cases that are in a broad sense directed from headquarters.

Mr. EARLY. The management of the cases goes by the task forces?

Mr. BONNER. Certainly, I may defer to Mr. Greene on this, but, the day to day operation of a DEA State and local task force is going to be managed out of the field division.

Mr. GREENE. We would control the overall direction of the case in Washington if it was a significant case. The standards and level at which investigations are worked is controlled through a program we have to monitor the class of violator.

I might add that, you certainly brought up a good question for us. We are pleased to say that about 65 percent of our arrests last year were all what we consider Class I and II violators. It still leaves a significant number that don't meet these standards but as Mr. Bonner said, they come with the territory. When you take a kingpin, you're going to get the others with them.

COOPERATION WITH STATE JURISDICTIONS

Mr. EARLY. Do you have the cooperation, Mr. Greene, of the locals in the states? Are they trying to do cases that your task force might defer and say this is a relatively small operation and it should be handled by local police? Does that happen?

Mr. GREENE. We do both, but in many jurisdictions the State and locals, as a result of some of the asset sharing programs, are as financially able to go after these investigations as we are. Our cooperation with them is excellent. In many instances, we try to take lower level cases to a State court, but the State courts have the same overcrowding problem.

A courier in a Federal case is not always somebody the States want to try. Many of these jurisdictions are going after what they consider major violators, too.

Mr. EARLY. They have a little more latitude since they don't have the mandatory sentencing, and they can adjust to some of the other problems created by efficient performance. I'm just concerned with that.

My local people told me that they get tremendous cooperation from the DEA.

Mr. GREENE. Yes, I think it is outstanding across the board. That's why we have 71 State and local task forces that are doing good work. They are accounting for significant arrests of major violators.

TRAINING

Mr. EARLY. I'm much more concerned with training. You take the FBI and DEA and, if you want to, identify them as outstanding operations. I think it is more important that they train the local and state people.

How would you classify, Mr. Bonner, the quality of the training that your DEA agents get?

Mr. BONNER. Of the agents themselves?

Mr. EARLY. Yes.

Mr. BONNER. I think the DEA agents are getting first class training through our Office of Training and through the program that we have at the FBI Academy at Quantico.

We do have a problem, which is the adequacy of space within which we must do all of the training that the DEA is required to do and ought to be doing. That is not just our basic agent training, but our advanced in-service training of agents, training of State and local officers, and international training responsibilities.

Mr. EARLY. I want to go back to the training of local officers.

Explain the training needs that are driving the issue of expanding the FBI Academy to accommodate these issues in DEA training.

Mr. BONNER. Essentially, the training requirements that DEA has include training its basic agents, diversion investigators, and intelligence specialists, as well as its obligations to provide training of State and local law enforcement in specific drug enforcement techniques, international training.

The basic problem is that there simply is not enough space to accommodate all of the training needs of the FBI and the DEA at Quantico. That leads me to conclude that the best solution is to expand the facility at Quantico, so the DEA's training needs can be accommodated, as well as the FBI's legitimate training needs.

Mr. EARLY. So, is this the only thing that you are suggesting to accommodate this training necessity?

Mr. BONNER. Well, that's not the only thing I'm suggesting. It is of critical importance, not only that we maintain the quality of our basic agent training program, but that we augment and increase our inservice and our advanced training for our agents in the field.

Mr. EARLY. For the record, I want you to put in the record the amount of training that a newly recruited DEA agent is given, how long and just how extensive?

Mr. BONNER. I'll put it in the record.

[The information follow:]

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DRUG ENFORCEMENT ADMINISTRATION
OFFICE OF TRAINING - DOMESTIC TRAINING SECTION
MISSION STATEMENT

THE MISSION OF THE OFFICE OF TRAINING DOMESTIC TRAINING SECTION IS TO OVERSEE ALL TRAINING GIVEN TO BOTH NEW AND IN-SERVICE DEA AGENTS. AS REGARDS NEW AGENTS, THIS CONSISTS OF PROVIDING DEA SPECIAL AGENTS WITH THE BEST POSSIBLE SYSTEMATIC SET OF LEARNING EXPERIENCES TO ENSURE THAT THEY GAIN THE KNOWLEDGE, DEVELOP THE TECHNICAL SKILLS, AND FORM THE NECESSARY ATTITUDES TO DISCHARGE THE COMPLEX DUTIES OF A SPECIAL AGENT OF THE DRUG ENFORCEMENT ADMINISTRATION IN A LEGAL, PROFESSIONAL, AND PUBLICLY ACCEPTED AND SUPPORTED FASHION. THIS IS ACCOMPLISHED THROUGH THE ADMINISTRATION OF A 12-WEEK TRAINING PROGRAM INVOLVING APPROXIMATELY 720 HOURS OF INSTRUCTION IN FOUR MAJOR AREAS OF CONCENTRATION: ACADEMICS, FIREARMS, PHYSICAL TRAINING/DEFENSIVE TACTICS, AND PRACTICAL EXERCISES; THROUGH A CONTINUING REVIEW OF THE NEW AGENT'S TRAINING CURRICULUM; THROUGH THE EVALUATION OF ALL ASPECTS OF AN AGENT'S PERFORMANCE DURING TRAINING; THROUGH COUNSELING; AND THROUGH A CONTINUING REVIEW OF ON THE-JOB EXPERIENCES IN CONJUNCTION WITH THE PROBATIONARY AGENTS PROGRAM.

WITH REGARD TO IN-SERVICE AGENTS, THE MISSION OF THE OFFICE OF TRAINING DOMESTIC TRAINING SECTION IS TO ASSESS ORGANIZATIONAL TRAINING NEEDS AND TO MONITOR AND EVALUATE THE DRUG ENFORCEMENT ADMINISTRATION'S IN-SERVICE TRAINING PROGRAM TO ENSURE THAT TRAINING AND DEVELOPMENTAL PROGRAMS SUPPORT THE DRUG ENFORCEMENT ADMINISTRATION'S PRIORITY INVESTIGATIVE PROGRAMS.

EVIDENCE HANDLING
NON-DRUG EVIDENCE COLLECTION AND HANDLING
CLANDESTINE LABORATORY INVESTIGATIONS
INFORMANTS
SURVEILLANCE
UNDERCOVER
DEA/FBI CONCURRENT JURISDICTION
DRUGS ON THE STREET
INITIATION AND DEVELOPMENT OF A DRUG CASE
REPORT WRITING
AUTOMATED INFORMATION SYSTEM TRAINING
TECHNICAL INVESTIGATIVE AIDS
RADIO COMMUNICATION PROCEDURES
PHOTOGRAPHY
FINGERPRINTING
INTERVIEW AND INTERROGATION
INTERVIEWING PRACTICAL EXERCISES
ORGANIZED CRIME
SOURCES OF INFORMATION
RAID PLANNING AND EXECUTION
DEA DIVERSION CONTROL PROGRAMS
ILLEGAL SALES INVESTIGATIONS
FUGITIVE INVESTIGATIONS
CONSPIRACY INVESTIGATIONS
DRUG SMUGGLING AND CONTROLLED DELIVERIES
ANALYTICAL INVESTIGATIVE METHODS
REVERSE UNDERCOVER
ASSET REMOVAL TRAINING
DEA HISTORY
DRUG IDENTIFICATION
DRUG FIELD TESTING
DRUG TRAFFICKING PATTERNS
DEA ORGANIZATION AND MISSION
PCS BRIEFING
ETHICS AND CONDUCT
FIREARMS SPECIALTIES
PHYSICAL TRAINING
DEFENSIVE DRIVING
VEHICLE STOPS
HEALTH PROMOTION, CARDIO-PULMONARY RESUSCITATION AND FIRST
RESPONDER EMERGENCY CARE
INTRODUCTION TO PRACTICAL EXERCISE PROGRAM
FIELD TRAINING EXERCISE
NIGHT PRACTICAL EXERCISES
LAB SYNTHESIS PRACTICAL EXERCISE
RAID PRACTICAL EXERCISES
TECHNICAL EXERCISES

DEA Basic Agents Curriculum

Law 1	Constitution
Law 2	Bill of Rights
Law 3	Controlled Substances Act I
Law 4	Controlled Substances Act II
Law 5	Controlled Substances Act III
Law 6	Controlled Substances Act IV
Law 7	Forfeiture I
Law 8	Forfeiture II
Law 9	Federal Rules of Evidence
Law 10	Federal Rules of Criminal Procedure I
Law 11	Federal Rules of Criminal Procedure II
Law 12	Federal Rules of Criminal Procedure III
Law 13	Exam I
Law 14	Introduction to Search and Seizure
Law 15	Affidavits and Complaints, Probable Cause I
Law 16	Affidavits and Complaints, Probable Cause II
Law 17	Affidavits and Complaints, Probable Cause III
Law 18	Affidavits and Complaints, Probable Cause, Drafting Tech.
Law 19	Confessions I
Law 20	Confessions II
Law 21	Eyewitness Identification
Law 22	Investigative Detention I
Law 23	Investigative Detention II
Law 24	Search of Persons
Law 25	Search of Premises I
Law 26	Search of Premises II
Law 27	Search of Vehicles
Law 28	Electronic Surveillance
Law 29	Informants and Entrapment
Law 30	Civil Liability
Law 31	Exam II
Pre-Trial	
Moot Trial	
Moot Trial	
Moot Trial	

TRAINING EXPANSION

Mr. EARLY. What is the impact on our war on drugs if this training is not expanded?

Mr. BONNER. This kind of training that DEA has provided, and is doing its best to continue to provide, is absolutely essential. We are the lead drug enforcement agency, and, as such, we have formidable expertise in the area of drug investigations. That is our sole mission. That is what DEA has been doing since its inception. That is what its predecessor agencies were doing.

We have a great responsibility to provide State and local training. Now, some of that is formal structured training. Some of that is through the State and local task forces. I mean, part of that kind of synergy of State and local law enforcement is, basically, training by example because we lead those task forces.

Mr. EARLY. This Member thinks we should be doing a lot more of that. I think that's back to teaching them to fish rather than just giving them a fish to eat.

One final question on training before I yield to Mr. Rogers.

Is there an advantage to DEA in being collocated with the FBI at Quantico that would not otherwise be available at other locations?

Mr. BONNER. Oh, absolutely.

First of all, it would be a grave mistake in terms of the overall Federal drug law enforcement effort if the DEA and FBI were separated. As you know, in 1984 or 1985, the DEA came to Quantico and collocated with the Bureau.

Ever since the FBI was given the additional mission in the area of Federal drug law enforcement, we have had an overlapping, and common mission between the Bureau and the DEA, although we have more agents devoted to it than the FBI. Nonetheless, the DEA and the FBI are the two agencies of the Justice Department, and the two agencies of the Federal Government that are principally responsible for drug enforcement at the Federal level.

There are enumerable benefits from having DEA and FBI collocated, in terms of a cross-pollination of drug enforcement training that we have provided to the FBI by virtue of being located at the FBI Academy. The FBI has been very good and helpful in terms of providing instructors for DEA's legal training, such as Fourth Amendment law and other search and seizure law.

Mr. EARLY. Do DEA agents have to be lawyers, too?

Mr. BONNER. No, they don't, but you don't have to be a lawyer to be an FBI agent either.

Mr. EARLY. I will yield to Mr. Rogers now.

OPERATION SNOWCAP

Mr. ROGERS. Well, Mr. Bonner, we are delighted to have you here. We want to congratulate you and hope that you do well in your venture. You come to this job with an excellent background for heading up the DEA, having been a lawyer. [General laughter]

Mr. BONNER. One of my faults.

Mr. ROGERS. You've been a prosecuting attorney and then a Federal judge, and then there's your special experience in the drug enforcement arena, and in a region of the country that knows the problem well, California.

Let me start off with Operation Snowcap. I assume we can, if necessary, go into a closed session if it is necessary. Hopefully, you can answer without that.

Mr. EARLY. If the witness has any reservation on responses to Mr. Rogers, just make it known to Mr. Rogers and we will take the action we have to.

Mr. BONNER. Thank you, Mr. Chairman.

Mr. ROGERS. Update us on the Latin American cocaine strategy.

Mr. BONNER. Well, first of all the strategy, at least insofar as the DEA is principally involved and connected, is one of attacking the flow of cocaine at its source. Actually, I think we ought to take a broader view of this strategy. That is part of the Andean strategy, but we ought to take a broader view of the overall strategy, which is to put as much law enforcement pressure as we can bear at all stages in the chain of distribution of illegal drugs. Specifically, in this instance, cocaine, which starts at its source and continues through transit countries into the United States where the domestic organizations transport it here.

So, this is one segment, Mr. Rogers, of an overall strategy.

With respect to the Andean countries, that strategy is, essentially, to work with our close country counterparts in Bolivia, in Peru, and in Colombia to do as much as we can with them to disrupt the supply of cocaine and the raw material that is ultimately processed into cocaine from those areas. It includes attacking the cocaine laboratories used to make and process cocaine base, cocaine hydrochloride. It means attacking the means of transport in and out of these areas, which is primarily by commercial aircraft. It means disrupting, attacking, encouraging and pointing the direction to host countries to arrest and, through their criminal justice system, prosecute and remove key players and leaders of these trafficking organizations.

Mr. ROGERS. How is that working? What success are you having?

Mr. BONNER. Well, to take a broader perspective, I would say that the efforts of the Colombian government, number one, have been and continue to be vigorous through the Colombian National Police, to attack the various pinnacles of the cocaine trafficking organizations. This has principally been—

SUCCESSFULNESS OF OPERATION SNOWCAP

Mr. ROGERS. I hate to interrupt you, but we are really short of time and I wish you would compact your answers, if you would please, because I have several.

Just tell me quickly, what success are you having, good, bad, indifferent, up, down, low, high?

Mr. BONNER. I think we are having some good success and there are some ups and downs in this process, to be sure, Mr. Rogers.

Mr. ROGERS. Give me some quantification of that, if you would.

Mr. BONNER. For example, in Colombia, in the last two months, the Colombian National Police have seized 12 tons of cocaine, which is a record amount. So, that indicates that we work very closely with the Colombian National Police. It indicates to me that they are continuing vigorous efforts against traffickers.

Now, it is true that the downside is that the Colombian government has yet to seriously attack the Cali Cartel. So, there are positives and there are some negatives.

DRUG CARTELS

Mr. ROGERS. What reasons do they give for that?

Mr. BONNER. Well essentially, the reasons that are given is that they are feeding on the Medellin Cartel and those drug trafficking organizations that are engaging in narco-terrorism and causing more disruption in their country. The Colombian government has indicated and they suggest that the first line of attack is against the Medellin Cartel and then, when that is significantly addressed they have indicated an intention to pursue the Cali Cartel.

Mr. ROGERS. Is that because they don't think they have the resources to do both at once? Is that the general idea?

Mr. BONNER. I think that would be a fair statement. They don't want to take on a two front war at this juncture. That is in part a resource problem and in part good, sound strategy. You take one at a time. You don't try to go after them both.

Mr. ROGERS. Are they really digging in at the Medellin Cartel?

Mr. BONNER. They certainly have, sir. I mean, if you look at the Medellin Cartel itself—I'll try to keep this brief, but this is a point that we should be mindful—about half of the top leaders of the Medellin Cartel have been incapacitated and removed. Carlos Lehder is sentenced to life imprisonment. The three Ochoa brothers have surrendered. At least, they have been in some ways removed. Gustavo Gaviria was killed in a shootout with the Colombian National Police last summer. Rodriguez Gacha is dead.

If you took the top 10 to 15 names of the Medellin Cartel, half of them are incapacitated. Carlos Escobar, while they haven't apprehended him, is certainly on the run. So, they have caused, I don't think there is any question, some very significant disruption to the Medellin Cartel.

Mr. ROGERS. Give me a grade on the Colombian government in eradicating the Medellin Cartel, A, B, C, D, E, F?

Mr. BONNER. A B to B+. They are close.

The problem, of course, is that a lot of the cocaine trade has shifted over to the Cali Cartel. I mean, a competitor removed and they picked up production in Cali. There is no question that the Cali Cartel and the drug organizations there—I don't mean to oversimplify this—have picked up some of the slack. So it is important, in the long term interest of the Colombian government, to remove the grip posed by drug trafficking organizations, not just in Medellin but in Cali as well.

CALI DRUG CARTEL

Mr. ROGERS. Well, they are going to have to move on Cali pretty soon then, aren't they? They are reaching a point of diminishing returns on Medellin.

Mr. BONNER. They are going to have to move reasonably soon and smartly towards addressing the Cali Cartel. It's not that they haven't addressed it all. They have hit laboratory sites, but in terms of the leadership of the Cali Cartel, they are basically walk-

ing the streets, with maybe some slight embellishment here, of Cali without any great concern of being apprehended or prosecuted for their massive and extensive drug trafficking crimes against the laws of Colombia and, for that matter, the laws of the United States.

Mr. GREENE. It was last year that the Medellin Cartel engaged the government in an act of war. I mean, they went after them. They were the ones that were killing the government officials.

The immediate need was to neutralize these people, because they were the ones that were killing the police officers. They were the ones that were killing the judges, the equivalent of the Colombian FBI, and the Colombian government went after them very aggressively.

COOPERATION WITH FOREIGN GOVERNMENT

Mr. ROGERS. Give me a grade on Mexico and their cooperation.

Mr. BONNER. If we are looking at the last year or so of the Salinas government, they are certainly in the B+ to the A- area. They have normally verbalized their intent to take more effective action against drug traffickers, including the massive flows of cocaine that is moving through Mexico into the United States.

Mexico has taken positive and concrete actions in that regard by, among other things, forming the Northern Border Response Force, which is an air interdiction program, and they appear to be serious in terms of their eradication efforts, particularly, of the opium poppy production in various areas of Mexico.

So, I am very encouraged. I just visited Mexico about a week or two ago. I had a chance to speak to officials there. I am very encouraged, not only from what I've seen, but I'm also encouraged from the actual concrete actions that I've seen them take.

Mr. ROGERS. Peru?

Mr. BONNER. Well, Peru is sort of up in the air because of the inability so far to set a definitive counter-narcotics strategy with the Fujimori government. DEA is operating with the Peruvian National Police. We are able to carry out operations that have had some success and impact. It is far from what I'd like to see.

I have some concerns about how effective we have been able to be in Peru at this time. As you may know, Mr. Rogers, that to some extent is up in the air in terms of the precise direction and how serious the Peruvian government is going to be in terms of working with us to staunch the flow of cocaine and coca products that are coming out of Peru.

Mr. ROGERS. So, how would you grade their paper right now?

Mr. BONNER. I wouldn't give them a grade right now, Mr. Rogers.

Mr. ROGERS. Passing or failing?

Mr. BONNER. They'd better get going.

Mr. ROGERS. Incomplete?

Mr. BONNER. Incomplete.

FOREIGN COOPERATIVE INVESTIGATION PROGRAM

Mr. ROGERS. Now, I'm looking at your foreign cooperative investigations chart here. And it shows the cooperative arrests and seizures for fiscal 1989, 1990 and the 1991 estimate.

Mr. BONNER. Which chart are you referring to now, Mr. Rogers?

Mr. ROGERS. It is the foreign cooperative investigations and it would be page 20 of your testimony.

I'm trying to figure out the numbers here. From 1989 to 1990, the cooperative drug removals of heroin jumped, almost tripled. The same thing for cocaine, and an enormous increase in cannabis removals, but a precipitous decline of dangerous drugs.

What happened there? Why are those numbers so different?

Mr. BONNER. Well, if I could just examine the cocaine figures, because what we saw in 1990 was a very significant increase in the amount of cocaine seized in Mexico, for example. That was nearly 50 metric tons. I won't translate that into pounds, but that is an enormous quantity and was significantly up from the year before.

We also had significant seizures in Colombia and in the Andean countries. I haven't really made a thorough examination of these numbers. It seems to me, that if you look at the worldwide seizures of cocaine outside the United States in which DEA is assisting, participating, advising in one way or another, close to 200 metric tons of cocaine were seized outside the United States last year. That is a significantly higher figure than it had been the year before.

Mr. ROGERS. I assume these numbers are of investigations where DEA is cooperating with a foreign government. Is that what they are?

Mr. BONNER. That is correct.

The dangerous drugs figure, I can't tell you why it is down, although the principle dangerous drug that we are concerned about is methamphetamine. Most of that is produced in the United States.

We would be happy, Mr. Rogers, to provide for the record a more detailed explanation of these figures and our best interpretation as to why they have risen or, in the case of dangerous drugs, declined.

[The information follows:]

**Rationale for Fluctuations in Domestic and Foreign Cooperative
Drug Seizures Between 1989/90**

Statistical data are a valuable managerial tool. They can be utilized to measure results in law enforcement; however, should not stand on their own as a singular measure of successful or unsuccessful law enforcement efforts.

Attached is DEA's Domestic Statistical Summary for 1983 to 1990. Because DEA statistics are updated continually, this summary will vary somewhat from the statistics exhibited in the budget submission. This chart indicates that drug removals traditionally fluctuate. In this context, the variations between seizures from 1989 to 1990 are not unusual and are not necessarily indicative of a trend. Although it may appear to be a trend in the DEA budget, the budget submission bases outyear projections on the most recent year's data only.

The rationale for seizure fluctuations by drug type, using drug removal information presented in DEA's 1992 budget request, is further explained below:

DOMESTIC:

	<u>1989</u>	<u>1990</u>
Heroin (kilo)	631	468

1. DEA conducted a substantial number of historical conspiracy investigations aimed at major Pakistan and Southeast Asian traffickers in 1990. These investigations consumed significant investigative workhours for post-indictment actions which were aimed toward perfecting the evidence for prosecution rather than seizing additional drugs.

	<u>1989</u>	<u>1990</u>
Cocaine (kilo)	75,051	56,949

1. Cocaine seizures for 1989 were relatively high because of a record single seizure of 21,570 kilos in Sylmar, CA, in September of 1989.
2. Cocaine investigative workhours in 1990 were channeled at significant trafficking organizations. The intent of these investigations were to make high level arrests of members in those organizations with the largest effect on the cocaine supply, i.e., Noreiga, Arce Gomez, and Roca Suarez. These types of investigations would yield little in direct seizures but would make a significant impact on cocaine availability.

	<u>1989</u>	<u>1990</u>
Cannabis (kilo)	297,305	108,254

1. Overall importation of marijuana is down significantly, principally because of increased enforcement and eradication efforts in Colombia, Jamaica, Mexico, and Thailand. Thus, there are fewer motherships transporting marijuana and fewer opportunities for significant bulk seizures.
2. User preference has shifted to the U.S. cultivated hybrid, dwarf marijuana, which is more potent but smaller, thus partially accounting for the decrease in kilo weight.

	<u>1989</u>	<u>1990</u>
Dangerous Drugs (ooo du)	36,062	112,504

1. DEA advanced its investigative focus on dangerous drugs and clandestine laboratories in 1989 by first procuring lab safety equipment and training Agents and State and local police in clandestine lab seizure techniques and safety. This effort began to show results in 1990.
2. Statistics for 1990 include one unusually large methamphetamine seizure in Hayward, CA, which accounted for 88,900,000 dosage units. This may have inflated 1990 data.

FOREIGN:

Foreign cooperative drug seizures reported in DEA's budget submission reflect seizures made by host country governments in which DEA served an advisory or assistance role. Unfortunately, the quality of these statistics depends greatly on the level of cooperation with each individual country. It is at the host country's discretion whether a sample of seized drug evidence is sent to the DEA laboratory system for analysis. Generally, only when a sample is sent, is the information regarding the total seizure provided to DEA. Therefore, these statistics are likely to fluctuate from year to year despite investigative activities. However, the figures are included in the budget because they are one of the few quantitative indicators of accomplishments in the foreign program.



2035

Domestic Statistical Summary

	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990	FY 1991-90 % CHANGE
TOTAL ARRESTS	12,361	13,115	15,304	16,901	22,211	24,048	25,201	21,790	87.9%
Case Class I & II	9,828	7,458	9,318	13,178	14,880	17,850	18,058	14,187	**
Violator Class I & II	2,498	2,840	3,995	6,048	8,974	8,514	8,848	5,981	**
TOTAL CONVICTIONS	9,844	10,863	10,381	11,943	12,358	13,078	18,889	19,314	50.9%
Case Class I & II	4,820	5,977	6,143	7,461	8,323	8,785	10,801	10,483	117.6%
Violator Class I & II	1,845	2,192	2,542	3,407	4,118	4,604	8,811	8,864	208.1%
DRUG REMOVALS									
HEROIN (KGS)	313.8	354.2	438.9	300.4	364.7	828.4	705.0	633.2	101.8%
COCAINE (KGS)	8,434.0	10,885.2	24,854.9	27,278.9	37,118.4	58,048.1	82,831.2	71,589.2	748.9%
CANNABIS (KGS)	847,751.5	1,209,408.8	880,840.2	711,043.7	649,548.2	602,255.8	341,597.0	160,880.0	-84.1%
DANGEROUS DRUGS (DOZ)	21,300,310	13,282,517	38,831,843	34,988,237	33,804,479	114,448,801	108,706,132	148,425,588	508.8%
CLAMORING LAB BELTURNS	228	312	425	508	642	810	842	849	142.9%
ASSET SEIZURES (IN MILLIONS)									
FY 1983-1984 authorized available or not comparable to later years			\$240.3	\$400.8	\$511.3	\$671.3	\$718.9	\$1,068.3	333.7%
ASSET FORFEITURES (IN MILLIONS)									
AVERAGE NO. OF SPECIAL AGENTS ON BOARD*	1,502	1,732	1,780	1,810	1,850	2,120	2,189	2,233	25.4%
TOTAL ARRESTS PER AGENT	8.0	7.6	8.6	10.2	11.4	11.6	11.5	9.8	13.5%

* Does not include Special Agents assigned to intelligence positions
** DATA NOT COMPARABLE DUE TO CHANGE IN GDE CLASSIFICATION CRITERIA EFFECTIVE 10/79
NOTE: Headquarters data are not included in any figures

DOMESTIC ENFORCEMENT PROGRAM

Mr. ROGERS. Thank you very much.

While we are on statistics, let me switch gears with you for a minute and look at the domestic enforcement figures on pages 13 and 14 and what appear to be discrepancies or significant changes, on page 14.

In the chart that deals with convictions, cocaine convictions are down dramatically from between 1989 and 1990. I realize in the footnote that, in some of those, there was a change in the criteria used to gauge Class I cases. So, maybe that explains that.

Does that also explain the steep drop in the cannabis conviction figures as well?

Mr. BONNER. Let me look at those.

[Pause]

Mr. ROGERS. We can file this for the record. I don't necessarily need this now.

Mr. BONNER. Well, —

Mr. EARLY. What page are you on, 14?

Mr. ROGERS. 14, yes.

For example, cannabis dropped from 297,000 to 108,000, but on the other hand, dangerous drugs, their convictions went up from 36,000 to 120,000. I just don't understand that.

Mr. BONNER. That's something I'd like Mr. Greene to address.

Mr. ROGERS. That's fine.

Mr. GREENE. One of the reasons is we have had a very successful eradication program in the State of Hawaii, where we went after large plantations. The number of lab seizures per se dropped significantly on clandestine labs. We believe the Chemical Trafficking Act kicked in and we actually controlled the amount of chemicals going to these laboratories.

Mr. BONNER. By the way, I might note, actually you are referring to seizure data. Marijuana that is already cut and seized would be included in this category, but not the amount of marijuana eradicated. As Mr. Greene was pointing out, there were significant marijuana eradication efforts in which DEA participated and assisted State and locals, including the State of Hawaii. There are quite a number of other States that are major marijuana producers.

Mr. ROGERS. Well, perhaps you can explain that in the record.

Mr. BONNER. Right.

OPERATION WIPEOUT

Mr. ROGERS. Well, you are talking about Hawaii Operation Wipeout, correct?

Mr. BONNER. Yes, sir.

Mr. ROGERS. How did that work briefly and did it include herbicidal spray? If it did, are you encountering any health and environmental risks or opposition?

Mr. BONNER. Well, this is how it worked: DEA got together as part of the Cannabis Eradication Program with officials of the State of Hawaii, at a broad level, the governor's office and the State Attorney General's office, the local police chiefs there and the Department of Land and Natural Resources in Hawaii, and proposed a program for marijuana eradication that would go

beyond the very difficult and, actually, fairly dangerous manual eradication efforts that had been part of the State of Hawaii's eradication program.

Operation Wipeout, while it included manual eradication, did include a significant amount of aerial spraying of an herbicide called Lyphosate which is a common weedkiller called Roundup. It is commercially available.

Rather than broadcast or crop-type dusting, it involved precise, aerial spraying of small plots of marijuana in a targeted area by spraying the weedkiller from a helicopter.

Mr. ROGERS. Smart bombs.

Mr. BONNER. Well, yes, I guess you might say a precision type of aerial spraying.

It was subject to an environmental study. The program was conducted in a way that, and I think virtually everybody agreed, was environmentally safe and, yet, extraordinarily effective in terms of the ability of the State of Hawaii to eliminate and eradicate a very, very large number of plants. Something under a million marijuana plants were eradicated. It was so effective, Mr. Rogers, that Hawaii, which had been historically a major marijuana producing and exporting State—was actually importing marijuana into Hawaii from the mainland. That's how effective this eradication program was in terms of destroying the supply of marijuana.

Mr. ROGERS. Was that a one-year shot?

Mr. BONNER. It's not intended to be a one-year shot. It is intended to be followed up, because it is a seasonal type thing. I talked to the Attorney General in the State of Hawaii about this program. It is certainly the intention of DEA, along with the State law enforcement there, to follow this up. When the new planting season takes place, there will be a continuation of this effort and this program, the effect of which already has been to discourage individuals who are growing marijuana for commercial profit. It is going to discourage them from continuing to do that.

USE OF HERBICIDES

Mr. ROGERS. Was there opposition to the use of herbicides?

Mr. BONNER. There wasn't significant opposition. I visited Hawaii and actually saw how this program operates, I went up in the helicopters and saw the spraying. I discussed it with the leaders in Hawaii. Very early on in this program, certain environmental groups which might have had concern were given an explanation of what this program was; the fact that this is a commonly used, household weedkiller and the fact that the State of Hawaii itself uses more of this weedkiller to destroy weeds along the highways than was even remotely used for Operation Wipeout. I think that the concerns were significantly allayed. This was an environmentally sound way of going about the eradication of marijuana.

Mr. GREENE. After the environmental impact study was formally approved, we received significant support from all levels of the Hawaiian society to rid Hawaii of this criminal element that was getting involved in this large scale growing of marijuana.

They are looking forward to us coming back. We are starting to now identify new plots. But this time we're going after it on the

Federal lands. We are going after it this year and we're not only going to spray, we are going to find out who owns the land and see if we can seize the land.

Mr. ROGERS. So, are you saying there was popular support?

Mr. GREENE. As Mr. Bonner said, after some of the initial objections to spraying, we had frank and open discussions about what spraying entailed, what the product was, and what the results were. These issues were addressed in the environmental impact study.

Mr. ROGERS. Do you plan to use the Hawaiian experiment or operation as a model to be used elsewhere?

Mr. BONNER. We are certainly discussing it with other States, particularly ones that are large outdoor commercial production States.

Mr. ROGERS. Have you discussed that with the Kentucky people?

Mr. BONNER. There have been discussions on that with officials of the State of Kentucky. I'd prefer to brief you in private on the exact nature of those discussions, Mr. Rogers, if you would be interested.

Mr. ROGERS. That's fine, that's fine.

I guess it was last year or the year before last, you had a Federal-State local National Guard operation in Kentucky using National Guard helicopters in the Daniel Boone National Forest, which is a major source of marijuana. It was a great success.

I wonder if that might be in the offing again and, perhaps, you can only answer off the record, in private.

Mr. BONNER. Well, it's certainly something that should be looked at. I think you need to look, too, at the places where marijuana is being grown, the difficulty of access to those places. There are a lot of factors.

What we know is, there was a very successful operation that did involve an herbicide, MYE. It does have some application to some areas in the United States. I think you need to look at each one of these areas, as to what is the most effective technique to use. In some situations, it may be the manual eradication of marijuana.

DRUG ERADICATION

Mr. ROGERS. Well, there is major growing in the Daniel Boone National Forest. In fact, some of those communities are fairly remote. The infrastructure of the marijuana growing groups is spreading. It is beginning to coop legitimate businesses. People that you wouldn't normally think of as condoning this type of activity, all of a sudden, you find beginning to condone. It's like a cancer spreading. It worries me and other people.

So, it's something I wish you would look at.

Mr. BONNER. I will.

It certainly worries me as well. We have seen that in conjunction with the growing of indoor commercially cultivated marijuana, which is becoming more prevalent. Also needless to say, the outdoor grown marijuana remains a very, very significant problem and it is certainly something I am going to give my attention to along with other matters that are of concern to DEA.

Mr. GREENE. The funds that were made available to DEA this year for eradication are one of the reasons we have asked for some increase in manpower. Funds to assist States have tripled. We will control where they are used. I assure you that Kentucky is one of the States that we are going to allocate more funds to, because they did a good job last year and had a good program.

DRUG CONTROL STRATEGY

Mr. ROGERS. They sure did.

I think, as the Chairman has indicated, the cooperation between you and the state and local and national guard people, where we have seen that well-orchestrated, is tremendously effective, not only in achieving the eradication efforts, but also in promoting cooperation in other aspects of your activities. So, it is a effort for everyone involved.

I notice in the National Drug Control Strategy for 1991, on pages 28 and 29, mention is made of the cooperation in local eradication efforts between federal, state, local and national guard units, and it notes to the Daniel Boone National Forest and Kentucky's operation there, which I'm very proud of.

Mr. GREENE. Without belaboring it, one of the cornerstones of our operation is--and I know last year, there were some criticisms of some other Federal agencies going in a bit heavy-handed. We have a right to go into these areas, but we will not go in without the support of the National Guard, local sheriffs and the State police. We want to be a team member and we want to have them in there, because they have such a strong influence over the local community. A lot of this is a salesmanship job.

Mr. ROGERS. Yes.

Well, I hope that if you go in there, you go in much the same as we did in the Far East. Go in with enough power to, number one, defend yourself, because you're talking some pretty tough hombres here. Number two, it's pretty widespread.

MESSAGE ON RAID OF METHANPHETEMINE LABORATORY

Mr. BONNER. I might just note in that regard, I was just handed a message, about a half an hour ago. DEA task force officers were executing a search warrant on a meth lab. These are typically in rural areas, but this happened to be near San Jose, California. They were fired upon. One of the task force officers was hit. His condition is unknown and is enroute to the hospital right now.

The officers returned fire and the residence, which was being used as a meth lab, apparently exploded and burned because of the flammable chemicals in there. That is a very preliminary report that I just received, but it does indicate the hazards both with respect to individuals who are involved in marijuana growing and meth labs.

Mr. ROGERS. Well, I'm afraid that, in some of these areas and in the area I just referred to in my district, it is this way. Unless we get in there and more effectively remove the growing operation, we are going to encounter and are beginning to encounter now, the next stage of that operation.--That is--involvement of otherwise legitimate people into these operations.

Then we will have to face changing attitudes.
Mr. BONNER. Next, you will face corruption.

WORKING WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Mr. ROGERS. And corruption of the worst sort. In fact, it's already beginning to happen. So, it concerns me deeply.

Let me close this round. We have others. I'm sure the Chairman has other questions.

Many times, we have seen local law enforcement people that beg and plead for help from state and federal sources to no avail. Then we see other times when federal dollars are really wasted on less worthwhile endeavors.

I'm thinking of a local sheriff in my district that happens to be a pilot and has a small plane. He has, on his own and with his own funds and time, begun to overfly the whole region and then radio down to other local sheriffs, his counterparts in various counties, the location of various marijuana patches. So, he's become a spotter and a very effective one. He does it on his own time with his own money and he can't get any funds for it.

That is an example of the system not working.

There have been times when we have seen the grants go to state police or whatever and the money is not properly targeted to drug eradication. I wonder what kind of oversight you have or involvement with funds going to local and state enforcement agencies.

Mr. BONNER. Well, when you get right down to it, while we have something in the order of 71 DEA State and local task forces, we have some control over that. As you have been indicating, Mr. Rogers and, it is certainly consistent with my beliefs, one of the most important things DEA does and one of the things it can do is work with State and local law enforcement, both through these task forces and otherwise.

You seem to be referring really to the grant process that goes through BJA. Mr. Greene can correct me on this, but I don't think we have a lot of control over how that goes and how that ultimately is directed in terms of whether it goes to appropriate programs. It is, as you know, guided by a State agency generally attached to the governor's office as to which local programs get funded.

Mr. Greene, do you have some amplification on that?

Mr. GREENE. No, that's accurate.

We are asked to comment on these grant programs in advance, on whether they are feasible, workable, and needed. In following up on their effectiveness, no, we don't do it. I don't know if we even have the statutory responsibility to do it. Second, we just don't have the manpower to do it.

The other area that I'm very concerned about in the future is these tremendous amounts of money that are being shared with State and local organizations. It is probably one of the best programs the Federal Government has ever done, but if that money is ever abused, I think you are going to hear from your constituents or Congress is going to be very upset about it. There is a lot of money out there and it has been out for a number of years.

Mr. BONNER. This is the Equitable Sharing Program.

Mr. GREENE. Yes.

We are not responsible for reviewing that program either. We don't have the resources to monitor it.

One other thing, regarding the State and local task forces, where these are formal task forces, we do exercise control—a lot of these police officers use our cars, gas money, and monies to make buys. We have very close supervision over that. Generally, daily supervision is shared between DEA and the police. In the areas you were specifically getting into, Mr. Congressman, no, there is very little oversight by the DEA in that.

Mr. ROGERS. Mr. Chairman, I have other questions. I will yield.

STATE AND LOCAL TASK FORCES

Mr. EARLY. You request real growth of \$8.5 million, close to 20 percent increase for the state and local task force.

Can you compare for us how this program has improved the war on drugs in those areas versus areas that do not have a task force? Do you have that kind of data?

Mr. BONNER. That's a good question. If you're looking for specific data that might quantify that, we might be able to get that for you.

Mr. EARLY. I'm going to ask you do it for the record, to give an assessment of where you need but don't have a task force.

Mr. BONNER. Well, we don't have task forces every place. Part of our budget submission includes a funding request for seven additional State and local task forces.

We aren't every place in the country. My own sense, though, in talking in various communities around the United States is that, almost without exception, local law enforcement are interested and would be enthused about having DEA come in and set up a State and local task force. So, it certainly is something from the local enforcement perspective that local police chiefs see that there would be great benefits in having.

The other thing is, when you get right down to it, I have the highest respect for police departments in the United States, all sizes, degrees and gradations. But, when you get right down to it, the police departments in some of our smaller urban areas and smaller communities, do not have very many officers and, sometimes, no officers devoted to drug enforcement. They need not only training as we talked about earlier, but could benefit from a DEA State and local task force approach.

Mr. EARLY. The local people don't have the funds to make buys. I mean, there is no question that DEA has to supplement the local community.

Now, are these state and local task forces centered primarily in urban areas?

Mr. BONNER. A lot of them are, but a lot of them are in relatively smaller, rural-type areas. There is a task force in Yakima, Washington. There is a task force in Burlington, Vermont.

Mr. EARLY. How many task forces do you have?

Mr. BONNER. 71.

Mr. CHAIRMAN. Put in the record where the 71 are.

[The information follows:]

2042

STATE AND LOCAL TASK FORCES
as of April 1991

Program Funded

<u>Division</u>	<u>Task Force</u>	<u>Division</u>	<u>Task Force</u>
Atlanta	Atlanta Airport Atlanta Group 2 Savannah Wilmington, N.C.	Houston	Corpus Christi San Antonio
Boston	Burlington Cape Cod Springfield Boston	Los Angeles	Gangs Honolulu Airport Reno/S. Lake Tahoe N. Lake Tahoe
Chicago	Chicago Minneapolis	Miami	Ft. Meyer-Naples Orlando San Juan Tampa
Dallas	Ft. Worth Lubbock Tyler	New Orleans	Little Rock New Orleans Mobile
Denver	Denver Albuquerque	New York	Buffalo Long Island New York Westchester County
Detroit	Cincinnati Cleveland Detroit Louisville Saginaw	Newark	Newark
Phoenix	Phoenix Tucson	Philadelphia	Philadelphia
San Diego	San Diego	Seattle	Seattle Airport Yakima
San Fran	Sacramento San Francisco San Jose San Francisco Airport	St. Louis	St. Louis Wichita
		Washington	Baltimore Charleston Washington Norfolk
Total:	54		

2043

Provisional Task Forces

<u>Division</u>	<u>Task Force</u>	<u>Division</u>	<u>Task Force</u>
Atlanta	Chattanooga Nashville	Detroit	Columbus Lexington
Boston	Providence		
Chicago	Hammond Milwaukee Fargo	Los Angeles	Orange County Riverside
		New York	Albany Mid-Hudson
Dallas	Oklahoma City El Paso		
		San Francisco	Monterey
		Washington	Richmond
		Seattle	Portland
Total:	17		

ESTABLISHMENT OF TASK FORCES

Mr. BONNER. To what you just commented, Mr. Greene, to Mr. Rogers, is there any duplication of effort or overlapping of responsibility between these task forces and the multi-jurisdictional task force funded through the Office of Justice Programs, State and local drug branch, in your opinion?

Mr. GREENE. No.

We are not going to ask for a task force to be established if there is not a need, if someone else is doing it. We would only ask for one particularly in an area to do just what you asked. We can come in and supplement the local authorities where they have a need. In many cases, which I'm so favorably disposed to these State and locals are coming in to task forces and providing a tremendous assistance to us by sharing information and manpower.

We can set some standards. We can provide some capital. Yet, they can provide the manpower resources. So, it is a good marriage.

Mr. EARLY. My former local chief has told me in the past that he couldn't have done any of the things that they have accomplished without the DEA.

Are the vehicles, radios and other equipment provided to support these task forces on loan to the state and local officers or are they turned over to the local law enforcement agencies?

Mr. GREENE. If it is on loan, it is controlled by DEA. It is DEA property and we have put it in our budget. Yes, it is our property.

EQUITABLE SHARING PROGRAM

Mr. EARLY. Would you have the jurisdiction to give it to the locals if you wanted to?

Mr. GREENE. I'd have to rely on my budget people. It would not be legally allowable to take equipment.

Mr. BONNER. Again, for the Equitable Sharing Program, if a local law enforcement agency is participating with DEA in making a seizure of a vehicle, that vehicle can be forfeited and assigned to the local agency as part of the Equitable Sharing Program. Also, cash and other assets can be forfeited and assigned.

There is an incentive for the State and local agency to participate with the DEA in an investigation, because asset seizures will, as a general rule, be shared with them under the Equitable Sharing Program.

Mr. GREENE. Mr. Chairman, I have one thing to add to what you just asked, which I think is interesting.

With our State and locals last year, we made over 5,600 arrests. We have received about 4,000 convictions and they were split evenly, both in Federal court and in State courts. So, I think that gets back to your question. If we can find an opening in State court, we're going to go.

COUNTER-NARCOTICS INTELLIGENCE

Mr. EARLY. With regard to intelligence program, what is the status of the funds made available in the fiscal 1991 in the Defense Appropriations Bill for drug intelligence equipment?

Mr. BONNER. It's \$20 million in funds.

Mr. EARLY. That's not much in Defense, you know.

Mr. BONNER. Well, I know it is peanuts for DOD, but we would be happy with it.

As I understand it, a definitive determination hasn't been made with respect to that DOD money that is available for counter-narcotics intelligence.

Mr. GREENE. Right, it hasn't been totally released yet but it's coming very close. We have our plans in. They are being reviewed by the Intelligence Community. We would be happy in a different session to tell you what they are, but they are good.

Mr. EARLY. Okay.

If that information isn't classified, I'd like to see a list of the types of equipment you plan to procure with that. You can do that privately with the staff.

How will this infusion of equipment improve your ability to collect, process and disseminate drug intelligence or will it?

Mr. BONNER. Well, that assumes that we get the funds from DOD to do this, and we are optimistic that we are going to get at least some funding from them.

Let me ask Mr. Greene. I'm just not sure that isn't something for a closed session.

Mr. GREENE. I don't want to beg your question. It will certainly enhance our ability to collect this data. There are some discussions going on in this town that need to be resolved on how we are going to do a better job of disseminating it. We need to do a better job of disseminating. That is the part that is still under discussion and it is a lively discussion. We are part of that discussion.

This money is certainly going to enhance our ability to collect it. It is going to allow us—and I can say this—to have better resources out there, to have those resources doing better things, hearing better things, seeing better things, and processing better information. After we get all this, we then have to decide on how to use it or make the decision on how then to get it back out to the users and do a better job of disseminating it.

AUTOMATED DATA PROCESSING CAPABILITIES AT EPIC

Mr. EARLY. We look at long range DEA situations and all of that, but for anyone who wants to be proud of the FBI and, you easily can, it is really the computer operation that they have put in place. If DEA doesn't go down the same track, you are never going to get the same type of results, I don't think.

Have you resolved the problems surrounding your lack of adequate computer support at EPIC? What is the solution and when will EPIC be able to handle its full operational requirement?

Mr. BONNER. Well, we are certainly in the process of attempting to resolve the lack of ADP capability at EPIC, which in my opinion has plagued EPIC. We do have the Management Division of the Justice Department, which is starting to conduct a management study.

I have Mr. Camero here, who is the main guy at DEA for ADP, if you would like to have him heard specifically on that question?

Mr. EARLY. Yes, I would.

I think we studied this for two years now. I hope that we're not suggesting that we have any money in here to start another study. I would love to have the specific person comment on what are the results of the study and how we are going to implement what we have.

Mr. BONNER. I think the ADP study is essentially complete. I think we know what we need to do. We are going about getting the funding to upgrade the ADP capabilities at EPIC. When I mentioned the Justice Management Division study, this is really not the ADP side of the house. This is simply to study the management structure. So, we are not starting over again on this.

ADP RESOURCES

Mr. EARLY. Will someone with you tell us exactly what you have in this budget for the ADP and what you're going to do and what you need.

Mr. CAMERO. Yes, sir.

Mr. EARLY. Would you stand and identify yourself?

Mr. CAMERO. I'm Phil Camero, Office of Information Systems.

You are quite right. There have been a number of studies and the time for a study is long past. We certainly agree with that.

In that regard, we are now going into the actual implementation stage of fixes and corrections to the El Paso intelligence information processing capability, which is seriously deficient. We have teamed up with the Defense Communication Agency. They are going to be the agent for that implementation, as well as improvement. There is some participation from the Office of the Secretary of Defense. I think the implementation of the previous study will go a long way to dealing with the information processing requirements.

Mr. EARLY. Have you got the implementation on a time schedule? I mean, will we do it one, two, three, five years? How much money have you gotten this year for it?

Mr. CAMERO. In answer to the first thing, scheduling, the schedule is a very short term schedule. We expect to have the plan well laid out by the end of this fiscal year. In the meantime, there will be a number of obvious fixes that can be done, quick fixes. Those, we are going to tackle immediately.

With regard to cost estimates, we and the Department of Defense have estimated that the entire project would probably cost probably in the neighborhood of about \$8 million, with another \$2 million for operational costs in the future. We are currently in the process of identifying that money and putting it to best use.

Mr. EARLY. When you say identifying, the \$8 million is it in this year's budget or is any of it in this year's budget?

Mr. CAMERO. I will have to defer that, sir.

Mr. EARLY. Okay.

Is it in the Defense budget?

Mr. QUINN. It comes in three different pieces, Mr. Chairman.

I'm Donald Quinn, Assistant Administrator for Operational Support.

We have money coming from DOD, what is referred to as 1004 funds. We also have money coming through the ONDCP process,

money that was appropriated out of the Treasury, Postal appropriation, from the Special Forfeiture Fund. We also have a small amount of in-house money that has been identified for this project, and also a piece coming from Counter Narcotics Center (CNC), part of the \$20 million that was discussed earlier.

Mr. EARLY. I really appreciate, Mr. Bonner, your support people's answer on that. You know where you're going. You have \$8 million. You are going to need \$2 million for operations.

Are we going to get hung up? Can any one of these three agencies that are going to provide the funds back up and stop us from moving where we have to? I can't see anything more important than getting your ADP on board as fast as you can.

So, my specific question is, how comfortable are you that those three participating parties are going to release their money and how soon?

Mr. BONNER. I am really comfortable on it, based upon our discussions with DOD and with the people over at ONDCP, that they are supportive of this and that the funds are there and that we are going to get these funds to be able to move forward to get these ADP corrections done and implemented at EPIC.

Mr. EARLY. Will you specifically contact the three agencies that are involved there and tell them that the Committee wants to know when they are going to release the money and we would like to know that that program is going to be implemented.

The Committee is looking long range on almost all the Justice Department programs as far as automation. If you don't do that, I really don't think you will be a successful administrator if you don't get that implemented.

Mr. BONNER. I know we are not going to have a successful EPIC if we don't get that implemented. That is very important not only to DEA, but the many other agencies that are participants in the El Paso Intelligence Center.

So, I will, Mr. Chairman, follow your suggestion and contact each one of those and request that they provide with the information.

Mr. EARLY. As quickly as possible, because it will be this member who will take money from some other area in your budget and put it to that if you're not going to get that money.

I'm going to yield to Mr. Rogers.

[The information follows:]

1991 FUNDING AVAILABILITY FOR EPIC ADP

DoD Appropriation Transfers

APOLLO \$1,400,000

CNC is intending to re-direct \$380,000 of the \$1.4 million originally intended for APOLLO to other agencies for counter-narcotics intelligence collection projects. The remaining \$1.020 million will be used as part of DEA's contribution to the EPIC/DCA project.

Treasury-Postal Appropriation

APOLLO \$4,980,000

Part of DEA's contribution to the EPIC/DCA project; this brings DEA's total share to \$6 million for APOLLO.

Section 1004 of the Defense Authorization Act

APOLLO \$4,000,000

DEA has requested DoD support valued at \$4 million for the EPIC/DCA project; this brings the total funds available for APOLLO to \$10 million. Informal communications between DoD and DEA indicate that this request has been approved.

DEA Appropriation

DEA has transferred \$768,000 through its internal resource allocation process to the ADP decision unit in order to fund a variety of EPIC-related ADP expenses, such as APOLLO maintenance, interim APOLLO upgrade, and initial costs of DCA evaluation. These costs are not included in the \$10 million estimate for the EPIC/DCA project but were crucial in the initial stages of preparing for the study.

CHEMICAL DIVERSION ACT

Mr. ROGERS. Mr. Bonner, the Chemical Diversion Act, you are asking for increases to again increase your enforcement of that act from 1988.

How successful have you been in enforcing that act?

Mr. BONNER. Well, there have been some successes.

First of all, I would point out that, part of the Chemical Diversion Act involves precursor chemicals. We have seen a very significant decline in the number of meth lab seizures in the United States. I think the most credible and plausible explanation for that is the Chemical Diversion and Trafficking Act of 1988. The Act requires certain identifications and records be kept by chemical, for example, the precursor ephedrine.

With respect to the foreign areas, there is no question that we have reduced the flow of essential chemicals used to produce cocaine in South America substantially. In 1988, U.S. exports accounted for about 55 percent of the total imported by South America. They are down to 15 percent of the total as of 1990.

Of such essential chemicals such as methylethylketone, potassium permanganate, these are the essential chemicals that are used in the processing and manufacturing of cocaine hydrochloride. So, it has been effective from that point of view.

Where we need to improve clearly is the chemical suppliers from other nations, principally Western Europe, who have unquestionably in my judgment, taken up a lot of the slack of supplying the essential chemicals going to Colombia and South America in general.

Mr. ROGERS. What countries are they; do you know?

Mr. BONNER. Well, historically, I hesitate to say the Germans, the West Germans, because they have probably been as interested and as highly motivated to develop chemical control legislation for the European community in its entirety and within Germany as any other country. They are convinced of the problem. They certainly were, at least, historically one of the countries whose chemical industry did pick up the slack when the Chemical Diversion Act kicked into place.

We are also seeing chemicals coming out of Holland, through the chemical industry and brokers there as well as Western Europe generally. A lot of the essential chemicals of this type are produced and manufactured in Europe.

So, there is some movement. I think you know, Mr. Rogers, sometimes this movement is glacial, but there certainly is movement through the Chemical Action Task Force, which resulted from the Houston Summit, to develop the kind of controls over essential and precursor chemicals in the European nations that are going to be necessary and effective, so that we tighten up the whole chain here. Chemical diversion of essential chemicals is only as strong as the weakest link in the chain. We have too many weak links right now.

We are negotiating this, particularly with western European countries. I think we are making some progress that is going to result in some regulations and some legislation in European countries that gives control over the export of these essential chemicals,

particularly to companies that are in South America, that are diverting them to use for the production of cocaine.

SUCCESS IN CHEMICAL CONTROL

Mr. ROGERS. If we can get cooperation amongst the civilized or manufacturing countries of the world to control the chemicals that are distributed worldwide for the manufacture of poison gas, then surely we can get some sort of control on the chemicals that make up an even more deadly poison than poison gas, it seems to me.

So, you're saying we're making a little progress, but not enough?

Mr. BONNER. Well, there is progress, but to get into a little bit of the nitty-gritty, there was a regulation implemented by the European Community (EC) at the end of December, which indicates to me that members of the EC are required to pass certain implementing legislation to control essential and precursor chemicals.

Part of the problem now gets into the area of the list of chemicals itself. There seems to be agreement that precursor chemicals should be controlled. We have some disagreements as to the kinds of essential chemicals that should be controlled. A number of European countries take the attitude that, well, we will burden our chemical industry with a certain amount of regulatory activity, but only if you prove to us that it is our chemical industry that is supplying essential chemicals that are used in the processing of cocaine in labs in Peru and Colombia. Unfortunately, many times the labels are removed from the chemicals.

We know that we have cut down on diversion, very substantially because of the provisions of the Chemical Diversion Act. We have been able to cut down very substantially in the diversion of these kinds of chemicals from the United States, and we are asking the Europeans to join with us.

Frankly, we are making progress, in part because 14 tons of cocaine were seized in Europe in 1990. I think they realize now that they themselves are targeted not only as the next market, but as a significant market for cocaine by the Colombian cartels. They are starting to wake up and get serious about this problem.

It is just a matter of keeping the process moving, principally the Chemical Action Task Force, which involves the G7 plus a total of 20 nations that are involved in chemical production to reach agreement as to those chemicals that need to be controlled. We need to get the kind of political commitment and political will in place in those European countries to get them to enact the chemical control legislation that is going to be needed to staunch the flow of these chemicals.

I might add one other thing, just very briefly, Mr. Rogers.

That is, to some extent in a perverse way, there may be some success here even given the efforts made to date. The Colombian traffickers are increasingly recycling chemicals, using special recycling processes so that they can recapture the acetone and the solvents that they use in the production of cocaine.

This suggests that they are having a harder time getting these otherwise legitimate chemicals through regular sources.

Mr. ROGERS. Well, I thank you for your responses.

Mr. Chairman.

2051

EPIC ADP IMPROVEMENTS

Mr. EARLY. I want to thank you.

One final thing.

On the EPIC improvement, for the record, I want you to identify the specific costs which make up the \$8 million and the various sources of that \$8 million for the record.

[The information follows:]

El Paso Improvement Project

(MTN PASS)
 Cost Estimate by Product
 (As of March 29, 1991)

I. General System Engineering	\$2,500,000
o Objective System Architecture (beyond 1992)	
- Capabilities	
- Requirements	
- Technical Design	
- Functional Design	
- Implementation Strategy	
o 18 month System Increment Design (Mid-term Architecture)	
- Technical Design	
- Functional Design	
- Implementation Plan (Improvement Packages)	
o Technical-Project Oversight Assistance	
o Quick-Start Projects (JICC, etc.)	
II. Integration Contractor	\$7,500,000
o Project Management	\$.60M
o DBMS Integration/Installation	\$.60M
o LAN Installation	\$.30M
o Security Design Integration	\$.30M
o Applications Integration	\$.60M
o O, M, Administration and Training Support	\$.60M
o APOLLO Upgrade - response time Procurement	\$1.00M
o JICC Fix Integration Procurement	\$1.00M
o Other Acquisition Support	\$2.50M
III. Total	\$10,000,000

CLOSING REMARKS

Mr. EARLY. With that, we want to thank you for your testimony this morning.

Mr. BONNER. Thank you, Mr. Chairman.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Drug Enforcement Administration

Impact of Drug War on Federal Courts

QUESTION: Concerns have been raised about the impact the war on drugs has had on the Federal courts. In many judicial districts, civil cases have all but been put aside due to the large criminal caseload. What concerns many judges are the lower level priority cases, such as the "mules" who carry drugs, that they believe should not be tried in Federal courts.

Would you please identify the number of these lower priority cases versus total cases?

ANSWER: Only 13 percent of DEA's domestic arrests in 1990 were Class IV violators.

Domestic Cannabis

QUESTION: Please explain your domestic cannabis eradication program.

ANSWER: The concept of the Domestic Cannabis Eradication/Suppression Program (DCE/SP) began in 1979 with combined Federal, State, and local eradication efforts in Hawaii and California. The DCE/SP has involved participants in all 50 States. To encourage participation in the program, DEA provides training and financial assistance to State and local agencies that participate in the program. The participants shared \$3.8 million in 1990 and will share \$13.8 million in 1991. These funds will be applied to the removal and destruction of both indoor and outdoor marijuana.

Through the eradication program, DEA provided valuable assistance to State and local agencies in the eradication of nearly 126 million marijuana plants.

QUESTION: Does the assistance provided these 10 States also include funding?

ANSWER: Funding through the DCE/SP is provided to all participating States. A total of \$13.8 million was appropriated for this program in 1991. The 1992 budget request includes resources for coordinators in 10 high-volume States.

QUESTION: How much does this plan rely on the use of chemicals?

ANSWER: The DCE/SP advocates the use of chemical spraying in those cases where it can be proven to be accomplished with no adverse environmental impact. The successful program to eradicate Cannabis cultivation in Hawaii has shown how chemical spraying can be an effective tool when properly administered. We are currently discussing the possibility of utilizing the chemical spraying technique to eradicate

cannabis in other States; but no DCE/SP funding will be provided for chemical spraying without the completion of environmental assessments.

DEA Training

QUESTION: Given the space constraints at Quantico, and the demands of both the FBI and DEA for facilities to accommodate training, how is DEA currently accommodating its training?

ANSWER: DEA has had to make a number of changes in its training program to accommodate nearly all desired training at Quantico. Basic Agent Training courses have been cut from 14 to 12 weeks. One Agent in-service course will be held at Quantico this year. All non-core series training is held off-site. DEA's State and local training programs conducted at Quantico, have been moved off-site.

Intelligence Programs

QUESTION: What drives the need for the \$739,000 requested for intelligence systems integration, and what specifically will it buy?

ANSWER: In drug investigations, interdiction activities, and especially, efforts to dismantle drug trafficking organizations, drug enforcement agencies depend on intelligence to effectively understand the complexities and intricacies of drug trafficking organizations. The extent to which drug-related intelligence information can be rapidly disseminated and cross-referenced through computer database systems is critical to the success of drug enforcement.

DEA is requesting four computer specialist positions, two workyears, and \$206,000 to support the El Paso Intelligence Center's (EPIC) rapidly expanding automated data processing (ADP) requirements. The demand for EPIC's services has outpaced its computer capabilities. In response, EPIC is seeking mainframe computer support from the Justice Data Center in Dallas, Texas. Integrating EPIC with Dallas will provide EPIC with enhanced computer support.

DEA is requesting \$283,000 to purchase hardware, software, and security boards on a reimbursable basis from the Department of State to provide wordprocessors to 18 DEA offices overseas. These funds will also cover shipping costs via diplomatic pouch, training, and installation at each overseas site. DEA's representatives in foreign countries serve as the primary advisor to the U.S. Ambassador on all international narcotics and dangerous drug matters. Analysis of trafficking patterns, production, and significant drug related cases in the host country are required. DEA's overseas intelligence collection capabilities have been greatly enhanced in terms of investigative personnel; however, if the outdated equipment currently in use is not replaced, overseas intelligence collection will be seriously affected.

Finally, DEA is requesting \$250,000 to expand the DEA Automated Teleprocessing System (DATS). This includes the purchase of hardware and, software for five locations currently located outside of an Embassy, secure communication circuits to the Embassy communications center. DATS provides overseas access to DEA's Narcotics and Dangerous Drugs Information System (NADDIS) database and other DEA data files to selected overseas locations. This request will extend this network to 15 additional overseas locations.

DEA Airwing

QUESTION: In 1991, the Congress provided \$10 million to initiate design and construction of a new DEA airwing facility. What is the current status of this project, and when will it be fully operational?

ANSWER: The design of the new airwing is nearing completion. DEA anticipates awarding a contract for the construction in December 1991. The projected completion date is March 1993.

QUESTION: How much have you requested for this in 1992, and will any additional funds be required to complete the project?

ANSWER: In 1992, DEA will recur \$6.0 million of the \$10.0 million authorized in the 1991 appropriation making a total of \$16 million budgeted for construction of the airwing. No other enhancements are anticipated beyond 1992.

QUESTION: What deficiencies were identified that drive the need for 8 positions and \$390,000 requested for aviation quality control, and how will they correct them?

ANSWER: DEA requested a total of eight support positions for the aviation program in 1992. Three of these positions are requested to expand the quality assurance program. The need for additional quality assurance positions is being driven by the changing nature and mission of the DEA air fleet, a Federal Aviation Administration (FAA) recommendation to expand the quality control function, and the anticipated award of a new maintenance contract.

DEA's air fleet has grown from 24 aircraft in 1973 to over 100 in 1991. DEA's ever-expanding mission now requires the support of complex turboprop aircraft and helicopters in addition to the single-engine, fixed-wing aircraft that were sufficient to support DEA's mission almost twenty years ago. Proper maintenance of turboprop aircraft and helicopters is much more complicated and expensive and, therefore, requires an expanded quality control function.

In August, 1989, a team of FAA inspectors accompanied DEA inspectors to the DEA Airwing in Addison, Texas, as part of a routine programmatic inspection. In their final report, FAA inspectors stated that "it is recommended that DEA seriously consider expanding its own quality assurance section, independent of contractor personnel, to provide a

system of checks and balances over the maintenance and inspection activities of the contractor. One function of this enhanced quality assurance section would be to review and assure proper completion of the various maintenance and inspection records." Because of DEA's ever expanding mission, quality assurance personnel are currently able to check only major repairs.

In addition, DEA anticipates awarding a comprehensive maintenance contract in late 1991. This contract will provide additional maintenance personnel as well as expanded maintenance functions not currently being performed by the existing contract. This will require additional quality assurance personnel.

The \$390,000 requested represents costs directly associated with the eight positions.

Overseas Operations

QUESTION: Are the host countries in the Andean region still supporting this level of DEA involvement in their internal affairs?

ANSWER: DEA operates in these countries under the invitation and policies of the host countries. We continue to enjoy excellent working relationships in each of the Andean countries. We work cooperatively with our host country counterparts to pursue mutually agreed upon law enforcement objectives. Since the implementation of Operation SNOWCAP, DEA has never experienced a case where the host government has not wanted to maintain, if not increase, DEA's support for their drug enforcement efforts.

QUESTION: How much will you spend on this Operation in 1991 and are there any additional funds requested for it in 1992?

ANSWER: Direct operational costs of Operation SNOWCAP in 1991 are estimated to be \$6,622,000 (does not include salaries, overtime, and resources provided by other agencies). No enhancements have been requested for the operation in 1992.

DEA Laboratories

QUESTION: Why do you believe it is necessary to collocate DEA's Mid-Atlantic laboratory and your Special Testing and Research Laboratory?

ANSWER: DEA's primary concern is cost effectiveness. DEA does not have the benefit of a completed study; however, we believe at this time it will be more cost effective to collocate the two laboratories rather than build two separate laboratories. If the study recommends two separate facilities, DEA will have no objection to establishing two separate facilities.

QUESTION: Will your study also examine the feasibility and cost effectiveness of keeping these two functions separate?

ANSWER: Yes, it will.

QUESTION: Where are these facilities currently located, and why is it critical that the consolidated facility be located in the Washington, D.C. metropolitan area?

ANSWER: The Special Testing and Research Laboratory is currently located in McLean, Virginia, and the Mid-Atlantic Laboratory is located in Washington, D.C. The Mid-Atlantic Laboratory provides qualitative and quantitative analysis of drug evidence for those agencies that do not have the required expertise or facilities, primarily the Metropolitan Police Department of the District of Columbia (MPDC). In 1989, the Mid-Atlantic Laboratory analyzed a total of 7,675 exhibits of which more than 7,200 were for the MPDC. Since the MPDC relies totally on DEA for analysis of its drug evidence, it is necessary to keep this lab in the Washington, D.C. metropolitan area.

QUESTION: Will your architect and engineering study examine only the possibility of constructing a new facility, or will it also consider alternatives such as buying or leasing an existing facility?

ANSWER: The study will examine all of these options.

QUESTION: Do you have any cost estimates associated with this project?

ANSWER: No reliable cost estimates are available at this time.

QUESTION: What drives the need for the requested increase of 19 positions and \$1.9 million for laboratory enhancements, and what specific expenses will be funded with these amounts?

ANSWER: The DEA laboratory program is mandated to provide analytical laboratory support for all Federal agencies involved in drug law enforcement. DEA's forensic chemists must analyze drug samples from every investigation in which drugs are found. As Federal agencies, and particularly DEA, dedicate more resources to the drug war, there will be more drug samples to analyze. Therefore, more chemists are necessary to provide this critical case support.

In addition to chemists, appropriate technical, administrative and clerical support is also needed to keep pace with the increasing workload. The \$1.9 million requested represents costs directly associated with the 19 positions.

QUESTIONS SUBMITTED BY CONGRESSMAN KOLBE

Drug Enforcement Administration

Success in the War on Drugs

QUESTION: In its 1992 submission, DEA states that vast amounts of cocaine are being stockpiled in both Mexico and the United States. However, DEA also mentions a number of successes in seizing large amounts of cocaine. How much cocaine does DEA estimate that it is stopping? How much is getting through? And to what factors does DEA attribute the rising price and rising seizures?

ANSWER: In 1990, DEA seized 80,354 kilograms of cocaine. Of this amount, approximately 70,300 kilograms were seized as a result of domestic investigations. Because cocaine smuggling is a clandestine activity, there are no accurate means to collect data and measure the amount of cocaine that is entering the country. Recent large seizures indicate that Mexico and the Southwest Border are being used as staging areas. Also, intelligence reports indicate that because of enforcement efforts in both the source area of the Andean region and the trafficking areas of Mexico and the Caribbean, the cost of producing and shipping cocaine is increasing and being reflected in the wholesale price. However, conclusive evidence does not yet indicate whether this is a temporary aberration.

QUESTION: DEA domestic investigation efforts yielded a total of 21,799 arrests last year. How many of these arrests actually led to convictions and prison time? How many cases are still pending? What is the major obstacle to gaining convictions?

ANSWER: Since the submission of the 1992 President's request, the total number of arrests in 1990 has been updated to 22,450. The vast majority of these cases have either not yet been tried, or are in the process. Some cases take several years to be tried. Therefore, dispositions on 1990 arrests, as a whole, are inconclusive at this time. However, data on convictions over the last 15 years have remained consistent -- 70 to 75 percent have led to convictions, 10 to 12 percent to dismissals, 10 to 12 percent to declinations, and 3 percent to acquittals. DEA extremely satisfied with a 3 percent acquittal rate.

QUESTION: Of these arrests, how many were along the Southwest Border region, and to what degree have these figures increased over the past five years?

ANSWER: Of the total 22,450 arrests in 1990, 3,739 (17 percent) were made by DEA's 16 domestic offices along the Southwest Border. Since 1986, DEA arrests along the Southwest Border have increased by an average of 46 percent.

High Intensity Drug Trafficking Areas

QUESTION: DEA plans to target High Intensity Drug Trafficking Areas. Could you describe these efforts along the Southwest Border and how they differ from the other HIDTA's in the metropolitan areas?

ANSWER: Efforts of the metropolitan and Southwest Border HIDTA's do not differ significantly from other DEA operations. HIDTA activities focus on developing high level drug cases using the combined resources, skills, and jurisdiction of several Federal, State, and local agencies. However, efforts along the Southwest Border require much more coordination due to the geographical size of the area and the number of law enforcement agencies and offices involved.

Coordination for the Southwest Border HIDTA program was developed by the Department of Treasury, the lead agency for the Southwest Border. HIDTA funding that was provided in 1990 was used to purchase ADP and investigative equipment, advanced deployment of 1991 agent enhancements, and miscellaneous operating funds for those offices along the Southwest Border. If approved by the Office of National Drug Control Policy (ONDCP), DEA would use 1991 HIDTA funding to initiate multi-agency enforcement groups in offices along the Southwest Border and to purchase additional equipment that would enhance intelligence and operational capabilities.

QUESTION: DEA anticipates that it will receive funds from the Office of National Drug Control Policy (ONDCP) in both 1991 and 1992 for HIDTA activities. Has the DEA received any of these funds yet and how are they being used?

ANSWER: DEA has not yet received full funding for its 1991 HIDTA activities. In order to ensure that HIDTA activities commenced in 1990 can continue, ONDCP has provided preliminary funding to establish and maintain initial HIDTA task forces. DEA has not completed HIDTA funding requirements for 1992.

Cooperation with Mexico

QUESTION: The DEA 1992 submission requests 14 new positions for Foreign Cooperative Investigations. These new positions will be delegated to Brasil, Chile, Colombia, Ecuador, and Guatemala. Further, the DEA has met with success in seeking agreements with the Soviet Union, Czechoslovakia, Laos, Hong Kong, Colombia, Peru, Bolivia, Panama and Ecuador. I am curious that Mexico is not mentioned, either in your 1992 request under Foreign Cooperative Investigations, or in the list of recent DEA international agreements. What is the current status of the DEA's cooperation efforts with Mexico, and does the DEA specifically have any programs or exchanges with law enforcement in that country?

ANSWER: Cooperation between Mexico and the United States continues to be excellent and extremely effective. Arrests and seizures in Mexico are at an all time high. In 1990,

Mexico seized 50 tons of cocaine compared to 7 tons in 1980. Information sharing continues on a daily basis and new programs such as asset forfeiture are being developed. Additionally, on December 12, 1989, a Mexican District Court judge rendered guilty verdicts against drug kingpins Rafael Caro Quintero and Ernesto Fonseca Carrillo for the February 1985, murder of DEA Special Agent Enrique Camarena and Mexican pilot Alfredo Zavala Avelar. The judge sentenced them to 40-year prison terms for the murders, this in addition to the drug trafficking sentences they received in July, 1989. Both men are serving what amount to life sentences.

Another example of the successful cooperative effort between the Mexican Government and the United States Government is the recent establishment of a Northern Border Response Force (NBRF) made up of agents from the DEA, U.S. Customs Service and the Mexican Federal Judicial Police (MFJP). The purpose of the NBRF is to interdict drug smuggling flights originating in Colombia and transshipping contraband to the United States using northern Mexico and an offloading, staging, and storage area.

QUESTION: Under Foreign Cooperative Investigations, the DEA ranks assisting the State Department and host country officials in efforts to reduce illicit crop production as a top priority. Mexico is still the largest producer of marijuana for consumption in the United States. Could you please describe DEA's efforts both with Mexico and the State Department in eradicating Mexican marijuana?

ANSWER: DEA continues in its role of advising, assisting, and training foreign police officials in drug enforcement efforts. The State Department plays the lead role in eradication in Mexico. DEA does operate some intelligence programs to identify marijuana and opium cultivation areas. Any information developed is passed on to State for action.

Asset Forfeiture Fund

QUESTION: The DEA seized more than \$1 billion from drug arrest cases in 1990. Of this \$1 billion, how much was actually forfeited back to either DEA or other law enforcement agencies?

ANSWER: In 1990, DEA administratively forfeited property valued at \$152 million. Judicial forfeitures accounted for an estimated \$241 million worth of property. The forfeited property generally is turned over to the U.S. Marshals for sale and deposit into the Assets Forfeiture Fund. Seizures that are forfeited through the judicial process can take several months to several years to complete. DEA was allocated \$54.4 million in 1990 from the Assets Forfeiture Fund, and \$55.5 million in 1991. These resources are utilized to identify and seize additional trafficker assets. In 1990, DEA cooperative cases resulted in the approval of equitable sharing requests worth an estimated \$182 million.

QUESTION: I have heard a variety of reasons why we have far more value in seized assets than forfeited assets. For instance, a lack of U.S. Attorneys dedicated to prosecuting property forfeitures is one reason. The complexity of these cases is another, especially in making the determination of those assets that were purchased by illegal drug proceeds. Does the DEA have any suggestions for expediting the procedures for turning seized assets into forfeited assets?

ANSWER: Under ideal conditions, administrative forfeitures can be concluded within 90 days of seizure barring any court action sought by the plaintiff or the U.S. Attorneys. While most judicial forfeitures of cash proceed by default and are accomplished quickly, judicial forfeitures of real property, and contested judicial forfeitures, can take several years to complete due to clogged civil dockets and legal maneuvering. However, lack of available U.S. Attorney resources for forfeiture cases is generally not a significant problem today.

Title I, Section 122, of P.L. 101-382, entitled "Increase in Value Subject to Administrative Forfeiture Processing of Money Seized Under the Customs Laws," raises the ceiling for administrative forfeitures from \$100,000 to \$500,000. In addition, the ceiling on seized cash has been eliminated. These changes will result in DEA processing administrative forfeitures which would have been judicial in nature prior to passage of P.L. 101-382. DEA is confident that this legislation will have a positive impact on the amount of assets forfeited in the coming year.

This change will reduce the time needed to produce a forfeiture order. Delays in other aspects of the forfeiture process, such as completion of petition investigations and sale of forfeited property, are more difficult to address. However, once the new integrated asset tracking system currently under development is implemented, we will have the means to ensure prompt and complete communication between the many participants in the process and to manage workflow.

QUESTIONS SUBMITTED BY CONGRESSMAN FAZIO

Drug Enforcement Administration

Regulation of Precursor Chemicals

QUESTION: As you know, there has been a sharp increase in the manufacture and use of methamphetamine, also known as "speed", "crank", or "ice". Many law enforcement officials believe that these drugs have the potential to become the crack cocaine of the 1990's. Some States have enacted strict laws to regulate the precursor chemicals which are used to manufacture this drug. What efforts has the DEA made to monitor the sale of these chemicals on a Federal level?

ANSWER: The passage of the Chemical Diversion and Trafficking Act (CDTA) of 1988 provided DEA with a vehicle to actively pursue the illegal movement of precursor and

essential chemicals into the illicit drug market.

The CDTA mandates that DEA impose stringent domestic controls on the export of chemicals used in the illicit production of drugs, by identifying the chemical purchasers and stopping shipment to bogus or uncooperative purchasers. In addition, the CDTA mandates that DEA implement a three-year audit cycle to ensure that the chemical industry is in compliance with the provisions of the act. DEA is also mandated to determine the legitimacy of chemical importers, exporters, and foreign customers of U.S. chemical exporters.

QUESTION: What type of Federal reporting requirements are in place to track the sale of these chemicals?

ANSWER: The CDTA created a system of controls on the distribution, importation, and exportation of certain essential and precursor chemicals. Section 1310.04, entitled "Maintenance of Records", requires the chemical industry to maintain records for up to four years after the date of transaction. These records must contain the name, quantity, and form of packaging of the listed chemical, the method of transfer, and the type of identification to be used by the purchaser. These records must also be readily retrievable and available for inspection and copying by DEA during a cyclic investigation.

In addition, section 1310.05 entitled "Reports" mandates that all regulated transactions involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any circumstance which may indicate that the listed chemical will be used in violation of the CDTA be reported. The chemical industry is also responsible for reporting any unusual or excessive loss or disappearance of a listed chemical.

QUESTION: What have the initial results of your efforts to monitor the sale of these precursor chemicals shown?

ANSWER: From 1988 to 1989, the amount of essential chemicals needed for the production of cocaine imported by Colombia from all sources more than doubled. However, during this same period, United States exports of these chemicals decreased from 7,933 metric tons to 6,912 metric tons.

In 1988, prior to implementation of the CDTA, Colombia received approximately 55 percent of cocaine essential chemicals from the United States. Since implementation of the CDTA, U.S. exports have declined. In 1990, Colombia received less than 15 percent of cocaine-essential chemicals from the U.S.

Enforcement of the CDTA has also affected the number of clandestine laboratories seized each year. Clandestine laboratories seizures had been steadily increasing since 1982, to an all time record of 807 in 1989. We believe that as a result of the CDTA, the number of clandestine laboratories seized dropped to 549 in 1990.

While the CDTA has proved to be successful in the United States, other countries also export chemicals. To effectively shut down the chemical supply to cocaine producing countries requires an international effort. DEA is working with the international community, especially European nations, to adopt strict controls on chemicals, similar to U.S. controls. To date, bilateral agreements have been negotiated with Bolivia, Peru, Ecuador, and Panama calling for stringent regulation of such essential chemicals. A similar agreement with Colombia is now being discussed. In addition, the Organization of American States (OAS) has developed a "model" drug precursor statute for consideration by its individual members.

QUESTION: What are your current threshold requirements for the reporting of precursor chemicals, and do you feel they are adequate to track the transfer of these chemicals?

ANSWER: The CDTA contains a list of 20 chemicals commonly used in drug traffic. An effort was made to select only those which are: (1) most commonly used, (2) most difficult to substitute for, and (3) most critical to illicit drug manufacture.

Another feature of the CDTA is that it applies only to listed chemicals when they are distributed or shipped at or above certain quantities. The purpose of this limitation is to avoid application of the law to small consumer-level transactions which are a common daily occurrence. These quantities are sufficiently small as to be of little value to illicit traffickers. Nevertheless, penalties are prescribed for persons dealing in lesser quantities for the purpose of evading the law. The threshold quantities are separately established for each chemical substance and can be raised or lowered by administrative decision.

Currently, the CDTA lists the following thresholds:
For precursor chemicals:

	<u>Threshold by Weight</u>
Anthranilic acid	30 kilograms
Benzyl cyanide	1 kilograms
Ephedrine	1 kilograms
Ergonovine	10 grams
Ergotamine	20 grams
N-Acetylanthranilic acid	40 kilograms
Norpseudoephedrine	2.5 kilograms
Phenylacetic acid	1 kilograms
Phenylpropanolamine	2.5 kilograms
Piperidine	500 grams
Pseudoephedrine	1 kilograms
3,4-Methylenedioxyphenyl-2-propane	20 kilograms

For listed essential chemicals:

	<u>Threshold by Volume/by Weight</u>
Acetic Anhydride	250 gallons/1,023 kilograms
Acetone	500 gallons/1,500 kilograms
Benzyl Chloride	.../4 kilograms
Ethyl Ether	500 gallons/1,364 kilograms
Hydriodic acid	40 liters (57%)/22.8 kilograms
Potassium permanganate	.../500 kilograms
2-Butanone (MEK)	500 gallons/1,455 kilograms
Toluene	500 gallons/1,591 kilograms

DEA is satisfied that the threshold limits outlined in the CDTA are effective in controlling the diversion of listed chemicals.

Clandestine Laboratory Clean Up

QUESTION: In detail, could you please elaborate on your efforts to assist in the clean up of the clandestine laboratories which are used for the manufacture of methamphetamine? Specifically, what resources have you dedicated to this problem, and do you offer any assistance to State and local authorities charged with the clean up of these laboratories? Do you have any plans to expand current efforts to assist in the clean up of these laboratories?

ANSWER: Various resources have been devoted to assist in the safe seizure and clean up of clandestine drug laboratories. Since over 80 percent of these laboratories are involved in the manufacture of methamphetamine, the vast majority of this program's resources are expended with regard to this controlled drug.

DEA's enforcement operations have involved the seizure of clandestine drug laboratories for several decades. In response to the hazardous nature of this activity and of the chemical and reagents at these laboratories, DEA through its National Training Institute, instituted a Clandestine Drug Laboratory Safety program, including: (1) Clandestine Laboratory Investigative School, and (2) Clandestine Laboratory Safety School. In addition to lab safety training, this program includes medical screening and specialized clothing and equipment to minimize the potentially acute hazards at a clandestine drug laboratory site and the health concerns of law enforcement officials. DEA's National Training Institute has also provided this training to State and local law enforcement officials.

In order to address the problems associated with the cleanup of clandestine drug laboratories, DEA created a Hazardous Waste Disposal Unit to provide technical assistance and funding. This Unit is currently authorized seven positions. Resources for the clean up activities come from the Department of Justice Assets Forfeiture Fund and are expressly designated for the clean up of chemicals, precursors, reagents, contaminated glassware and equipment, and areas of gross contamination at DEA seized sites. In 1990, DEA spent

approximately \$4 million on the clean up of clandestine drug laboratory sites; in 1991, over \$3 million has already been obligated.

In response to Section 2405 of the Anti-Drug Abuse Act (P.L. 100-690), enacted by Congress on November 18, 1988, a Joint Federal Task Force was formed to develop a program for cleaning up and disposing of hazardous waste produced by clandestine drug laboratories for the protection of the public health and the environment. This task force consisted of members of the DEA, the U.S. Environmental Protection Agency (EPA) and the U.S. Coast Guard (USCG). The Act called for the development of guidelines for use by State and local law enforcement, environmental protection and public health agencies as a framework for developing their own programs for cleaning up clandestine drug laboratories. Over 30,000 copies of the Guidelines for the Cleanup of Clandestine Drug Laboratories were printed and distributed to other Federal, State and local law enforcement, environmental and public health agencies throughout the United States.

Section 2405, of the Act, also called for the establishment of state and local projects to demonstrate the applicability and effectiveness of the Guidelines developed by the Task Force. The Attorney General, through DEA and the Bureau of Justice Assistance (BJA), issued grants for demonstration programs to the States of California, New Jersey, and Washington, and the city of Portland, Oregon. These demonstration programs, for the clean up of clandestine drug laboratories to protect the public health and the environment, were funded at approximately \$325,000 each and are expected to last approximately 18 months. Upon their completion, the programs will be reviewed by an independent evaluator, who will then make suggestions, if necessary, for revision to the Guidelines or applicable laws.

TUESDAY, MARCH 19, 1991.

ANTITRUST DIVISION

WITNESSES

JAMES F. RILL, ASSISTANT ATTORNEY GENERAL

JUDY L. WHALLEY, DEPUTY ASSISTANT ATTORNEY GENERAL

HARRY H. FLICKINGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

ANTITRUST DIVISION

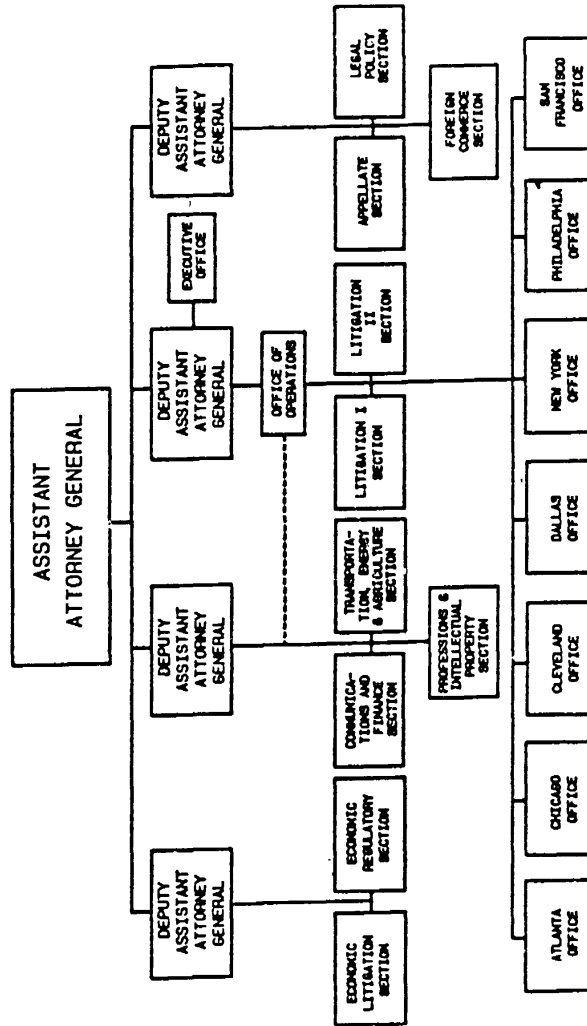
Mr. EARLY. We will now hear testimony on the Antitrust Division. This division request \$48,894,000 for Fiscal Year 1992. In addition, the request assumes that an additional \$10 million from filing fees will be applied to this appropriation for a total availability of \$58,894,000, an increase of \$5,164,000 over amounts available in FY 1991. We will insert in the record at this point the Antitrust Division's Fiscal Year 1992 budget justification.

[The information referred to follows:]

Department of Justice
Antitrust Division
Estimates for Fiscal Year 1992
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ANTITRUST DIVISION



Approved: *[Signature]* Date: 10-10-89
 DICK THORNBURGH
 Attorney General

Antitrust Division
SALARIES AND EXPENSES
SUMMARY STATEMENT
Fiscal Year 1992

For 1992, the Antitrust Division is requesting 523 positions, 504 workyears, and \$48,894,000 in direct appropriation authority. This represents a total increase over the 1992 base of \$5,600,000, including the transfer of 64 positions, 64 workyears and \$5,000,000 back to direct funding from indirect funding derived from Hart-Scott-Rodino premerger notification filing fees. Fees that are not materializing at a rate that will support the currently authorized spending level; 7 positions, 3 workyears and \$289,000 in program increases necessary to permit the Division to staff adequately to meet an escalating workload and cope with a rapidly changing international and domestic marketplace, and \$311,000 for administrative program adjustments, including funding for increased costs of court reporters and accounting system upgrades.

Since 1990 the Antitrust Division's budget has been segmented into a direct appropriation and indirect funding from filing fees required to be paid by acquiring firms in merger transactions reportable under the Hart-Scott-Rodino Premerger Notification Program. In 1990, the Antitrust Division was authorized to spend \$20 million derived from premerger filing fees, and \$20 million from fee collections was authorized again in 1991. However, in 1990 revenues from the filing fees totalled only \$13.7 million, falling well short of the amount authorized for expenditure. Revenues in 1991 are projected to range between \$10 million and \$15 million. This shortfall in funds otherwise available for expenditures would have impacted substantially on the Division's ability to carry out its mission. To address this problem, Congress included language in the 1991 appropriation that provided both funding certainty and maintained filing fees as a funding source. For 1992, the Division is requesting that \$5 million in direct authority be restored in 1992, and that \$5 million in indefinite direct authority authorized for 1991 be made permanent. These adjustments will allow the Division to reduce its reliance on uncertain filing fees to \$10 million in 1992.

The Division also requests a program increase of 2 positions, 1 workyear, and \$89,000, representing much-needed additional resources for the Policy Analysis Program, that would support: increased participation in international competition and trade policy development; protection of U.S. economic interests from anticompetitive international trade practices; and encouragement and assistance to newly-free governments in Eastern Europe and elsewhere in adopting free-market economic reforms and establishing competition enforcement agencies. An additional 5 positions, 2 workyears, and \$200,000 is needed in the event that criminal litigation results from the Federal Trade Commission's investigation of infant formula pricing.

The balance of program increases totals \$311,000, including \$260,000 to meet the Judicial Conference's decision to pay private-sector rates to federally contracted court reporters, and \$51,000 to support the Department's implementation of the Administration's "Management Priorities for the 1992 Budget."

The mission of the Antitrust Division is to enforce the antitrust laws and promote and protect the operation of the free market system in the United States, thereby protecting consumers and ensuring the optimal operation of the American economy. Competition ensures that the prices consumers, including the Federal Government, pay for goods and services are determined by free market forces rather than by collusion, and it fosters efficiency and innovation, strengthening America's industrial base and maximizing the return from America's resources. However, the United States' free market system can no longer be viewed in isolation. The global economy increasingly is intertwined with the domestic market in the United States, and antitrust officials must necessarily address the complex effects on the economy of organizations operating outside U.S. boundaries, including anticompetitive behavior by such organizations.

It is essential to consumer and business welfare that antitrust vigilance be maintained at the Federal level, with special emphasis on: (1) prosecution of the white collar crimes of price fixing, bid rigging, and customer and territorial allocation—crimes of fraud and deceit that directly harm consumers through increased prices and restricted output of goods and services; (2) review of proposed mergers and joint ventures that may substantially lessen competition or tend to create a monopoly; and (3) investigation of anticompetitive behavior between foreign markets and the American economy presents challenges and opportunities that affect all Division programs. Expedited funding is necessary to assure adequate progress toward these goals in 1992.

Antitrust Division
Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1992 budget estimates include proposed changes in appropriation language listed below. New language is underscored, and deleted matter is enclosed in brackets.]

Salaries and expenses, Antitrust Division

For expenses necessary for the enforcement of antitrust and kindred laws, (53,730,000) of which an estimated (\$20,000,000) shall be derived from fees collected for processing notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. §18(a)) so as to result in a final fiscal year (1991) appropriation of (\$33,730,000). Provided, That \$53,730,000 shall be appropriated and shall be construed as being available for obligations incurred during the fiscal year ending September 30, 1991, but that any fees received in excess of (\$20,000,000) shall not be available for obligation in fiscal year 1991. \$48,894,000
\$10,000,000
1992
\$48,894,000

\$10,000,000 shall be deposited as miscellaneous receipts in the Treasury.

(Department of Justice Appropriations Act, 1991; additional authorizing legislation to be proposed.)

Explanation of Changes:

The first change will reduce the Division's reliance on filing fees from \$20,000,000 to \$10,000,000.

The second change requests a final fiscal year appropriation for 1992 of \$48,894,000 instead of the final appropriation of \$33,730,000 provided in 1991.

The third change provides that fees received in excess of \$10,000,000 in 1992 shall be deposited as miscellaneous receipts in the Treasury, instead of being deposited in the Division's account. The fourth change provides that the \$10,000,000 in 1992 shall be allowed receipts in excess of \$20,000,000 to remain available to cover expenses in future fiscal years.

Antitrust Division
Salaries and expenses
Crosswalk of 1991 Changes
(Dollars in thousands)

	1991 President's Budget Request			Congressional Appropriation Action on 1991 Request			1991 Reprogramming Requested			1991 Appropriation Enacted		
DIRECT AUTHORITY Activity/Program	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.
Enforcement of antitrust and kindred laws												
Federal appellate activity	16	16	\$1,318							16	16	\$1,318
Termination and prevention of private cartel behavior	210	190	17,994	35	35	\$2,678				245	225	20,672
Preservation of competitive market structure			2,239	30	30	2,322				30	30	4,561
Policy analysis, legislation and training	60	59	5,053							60	59	5,053
Competition advocacy program	34	34	2,671							34	34	2,671
Management and administration	67	73	4,455							67	73	4,455
Total	387	312	33,730	65	65	5,000				452	437	38,730
INDIRECT AUTHORITY - FILING FEES												
Activity/Program	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.
Enforcement of antitrust and kindred laws												
Termination and prevention of private cartel behavior	35	35	\$2,678	-35	-35	-\$2,678						
Preservation of competitive market structure	201	193	17,322	-30	-30	-2,322				171	163	\$15,000
Total	236	228	20,000	-65	-65	-5,000				171	163	15,000

Congressional Appropriation Action. Although the Division's 1991 Budget includes authority to spend \$20 million in filing fees, indications are currently that the Division will collect only from \$10 to \$15 million in 1991. It appears that only the "mergers" have declined while the number of "strategic" mergers, generally horizontal in nature, has increased. The Division anticipates that the number of "strategic" mergers will decline in 1990, though the number of "merger" filings declined. Indefinite budget authority up to \$5 million is shown as authorized pursuant to Congressionally-inserted appropriation language exempting the Division from the Antideficiency Act in the event that filing fees fail to materialize to the authorized spending level of \$20,000,000.

Antitrust Division
Salaries and expenses

Summary of Resources by Program
(Dollars in thousands)

Activity/Program	1990 as Enacted		1990 Actual		1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Enforcement of antitrust and kindred laws:												
Direct authority:												
Federal appellate activity.....	16	16	\$1,247	16	16	\$1,318	16	16	\$1,429	16	\$1,434	...
Termination and prevention of private cartel behavior.....	210	190	17,705	210	190	17,705	245	225	22,408	250	22,731	5
Preservation of competitive market structure.....	...	...	3,913	...	2	3,913	30	30	6,286	94	11,418	64
Policy analysis, legislation and training.....	60	59	4,787	60	59	4,787	60	59	5,476	62	5,565	2
Competition advocacy program.....	34	34	2,521	34	34	2,521	64	54	2,958	64	2,958	...
Management and administration.....	67	73	4,144	67	73	4,144	67	73	4,799	67	4,880	...
Total direct authority.....	387	372	34,317	387	374	34,317	452	437	43,294	523	504	48,894
Indirect authority.....												
Indirect Authority - filing fees:												
Termination and prevention of private cartel behavior.....	35	17	2,678	35	...	193	...	...	...	...	...	...
Preservation of competitive market structure.....	201	174	17,322	201	139	13,561	171	163	15,000	107	99	10,000
Total indirect authority.....	236	191	20,000	236	139	13,754	171	163	15,000	107	99	10,000
Gross budget authority.....	623	563	54,317	623	513	48,071	623	600	58,294	630	603	58,894
Other Workyears, Direct Authority:												
Wetley.....	...	5	...	...	...	5	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...
Other Workyears, Indirect Authority:												
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable workyears.....	571	...	...	521	...	608	...	...	...	...	...	...

Salaries and expenses
Justification of Program and Performance
Activity Resource Summary
 (Dollars in thousands)

Activity: Enforcement of antitrust and kindred laws	1991 Appropriation Enacted		1992 Base		1992 Estimate		Increase/Decrease	
	Per- man.	NY Amount	Per- man.	NY Amount	Per- man.	NY Amount	Per- man.	NY Amount
Direct authority:								
Federal appellate activity.....	16	\$1,318	16	\$1,429	16	\$1,434	...	\$5
Termination and prevention of private cartel behavior.....	245	225	245	225	227	22,731	5	2 323
Prevention of competition market structure.....	30	4,561	30	6,286	94	11,418	64	64 5,132
Policy analysis, legislation and training.....	60	5,053	60	5,476	62	5,565	2	1 89
Competition advocacy program	34	2,671	34	2,896	34	2,896	...	...
Management and administration.....	127	10,555	127	11,525	127	11,525	...	...
Total.....	482	38,730	482	43,734	523	48,994	41	67 5,600

The resources identified above are exclusive of filing fees collected pursuant to Public Law 101-162 used in support of the Competitive Market Structure Program. Resources of the Antitrust Division are used for the mission of protecting and promoting competition.

Activity: Enforcement of antitrust and kindred laws	1991 Appropriation Enacted		1992 Base		1992 Estimate		Increase/Decrease	
	Per- man.	NY Amount	Per- man.	NY Amount	Per- man.	NY Amount	Per- man.	NY Amount
Federal appellate activity.....	16	\$1,318	16	\$1,429	16	\$1,434	...	\$5

Long-Range Goal: To provide effective representation before Courts of Appeals and the U.S. Supreme Court for antitrust cases and also representation in proceedings to review orders of certain regulatory agencies.

Major Objectives:

To support the sound and consistent development and enforcement of antitrust laws through the expert prosecution and defense of appeals in cases brought by the United States.

To protect the interests of the United States in the development of antitrust law through participation as amicus curiae in private antitrust appeals.

To advocate competition in appeals taken from regulatory proceedings.

Base Program Description: To provide effective representation, the Division prepares briefs in antitrust cases before the Supreme Court as authorized by the Solicitor General; represents the interests of the United States in the Courts of Appeals in all civil and criminal cases brought by the United States under the Federal antitrust law; reviews challenged decisions of the Interstate Commerce Commission, the Federal Communications Commission, the Federal Maritime Commission and the Nuclear Regulatory Commission, and prepares an appeal position for the United States; and prepares and files *amicus* briefs in the Courts of Appeals and the Supreme Court in selected private antitrust cases. The Division also represents the United States in the Supreme Court in selected cases involving the Federal Maritime Commission, the Federal Communications Commission, Federal Communications Commission and the Nuclear Regulatory Commission is contained in 28 U.S.C. §2341-2350.

Accomplishments and Workload: Accomplishments of the Federal Appellate Activity are presented in the following table:

Item	Estimates	
	1991	1992
Administrative Law Cases		
Pending.....	115	162
Filed.....	134	86
Won.....	35	12
Lost.....	38	14
Dismissed.....	36	24
Antitrust <i>Amicus</i> Cases		
Filed.....	4	5
Won.....	2	3
Lost.....	2	2
Dismissed.....	...	...
Antitrust Division Cases In Courts of Appeals		
Filed.....	21	10
Won.....	18	15
Lost.....	3	4
Dismissed.....	1	...
Antitrust Division Cases In Supreme Court		
Filed.....	5	3
Won.....	2	...
Lost.....	...	...
Dismissed.....	...	...

Significant achievements during 1990 in the Federal Appellate Activity included: Supreme Court opinions in three cases in which the Court agreed with the Division's position and all three were cited by the Supreme Court as precedents in subsequent cases. The Division's enforcement priority. Many of the judgments rendered by the Supreme Court at the Division's urging are important to all criminal enforcement work in the Department of Justice. The Seventh Circuit Court recently agreed with the Division's challenge to a hospital merger in Rockford, Illinois. Moreover, the Division's continuing enforcement of the *Ataf* Modified Final Judgment (MFJ) generates significant appellate activity. Since January 1990, for example, there have been five Courts of Appeals decisions involving the MFJ, including the Triennial Review decision, in which the Court of Appeals agreed with much of the Division's analysis in rendering its decision.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Federal appellate activity.....	16	\$1,429	16	\$1,434	...	\$5

Funds in the amount of \$5,000 are identified as program increases in 1992 for the Federal Appellate Activity. This amount is associated with the Judicial Conference's decision to compensate federally contracted court reporters at a rate comparable to that of the private sector, a decision that will significantly increase the cost of court reporting. The Division has very little control over the workload of this activity, as the Department must be represented in all antitrust cases that are appealed, and it must file an *amicus* brief in a private antitrust case whenever it is requested to do so by a court. The Division's increasing criminal caseload can be expected also to generate an increase in criminal appeals. No flexibility exists in other program areas with which to meet this important funding need.

	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Termination and prevention of private cartel behavior.....	245	\$20,672	245	\$22,408	250	\$22,731	5	\$323

Long-Range Goal: To promote and maintain competition in the American economy by reducing private cartel behavior that restrains trade or commerce.

Major Objectives:

To promote and maintain competition, economic efficiency, and the enhancement of consumer welfare by using criminal and civil enforcement of Section 1 of the Sherman Act to terminate and prevent agreements that restrain competition.

To limit cartel behavior in industries subject to state or federal regulation to conduct that has been authorized by statute; to prevent the continuation of cartel behavior once statutes authorizing the approval of such behavior have been repealed.

To educate the public, business, legal professions, and other government agencies with respect to the principles of antitrust laws and enforcement policies.

To protect competition in industries which recently have been deregulated.

Base Program Description: The purpose of this program is to deter private cartel behavior by investigating and litigating violations of Section 1 of the Sherman Act. A wide range of investigatory techniques is used, including staff and FBI investigations, civil investigations, and the use of state attorneys general. The Division also conducts "pricing studies" to determine if there is evidence of price fixing and "pricing data" providing expert testimony where appropriate in some instances, once the government detects and successfully prosecutes collusion, it may obtain additional injunctive relief. The Division must then monitor the firms to ensure that they abide by the injunctive provisions of such relief.

The Division's vigorous prosecution of private horizontal restraints is essential. Cartel behavior has no redeeming economic virtue. Agencies must vigorously prosecute private horizontal restraints in order to achieve the goals of the Sherman Act, which are to promote efficiencies or economies of scale; they stifle rob consumers. State and local law enforcement efforts, while contributing to the prevention of locally-oriented cartel behavior, cannot cope with the complex interstate nature of conspiracies investigated and prosecuted by the Division, and many states lack effective criminal sanctions essential to deterrence of such conduct.

Accomplishments and Workload: Accomplishments of the Termination and Prevention of Private Cartel Behavior Program are presented in the following table.

	1988	1989	1990	1991	1992
Legal					
Preliminary Investigations					
Pending at start of year.....	93	94	95	95	95
Opened during the year.....	58	50	50	50	50
Closed during the year.....	57	49	50	50	50
Civil Investigations					
Non-merger investigations.....	58	54	58	58	58
Investigative Demands (CIDs) issued.....	13	16	19	19	19
Grand Juries					
Pending at start of year.....	159	159	139	139	139
Opened during the year.....	47	42	50	50	50
Closed during the year.....	47	62	50	50	50
Price Fixing Cases - Criminal					
Pending at start of year.....	135	92	84	84	84
Filed during the year.....	130	96	85	85	85
Closed during the year.....	123	74	85	85	85
Other Federal Crimes - Criminal (e.g., False Statements, Perjury, Obstruction of Justice)					
Filed.....	6	9	9	9	10
Non.....	15	6	6	6	6
Lost.....	2	...	...	...	...
Case Results					
Criminal Fines Assessed.....	\$28,492,000	\$23,575,000	\$28,000,000	\$28,000,000	\$28,000,000
Settlements Pursuant to Criminal Cases.....	\$3,090,000	\$5,650,000	\$5,000,000	\$5,000,000	\$5,000,000

Vigorous prosecution of horizontal price fixing, bid rigging and market allocations among competitors has been and will continue to be one of the Antitrust Division's primary enforcement activities. During 1990, the Division filed 66 criminal price-fixing cases against 88 corporations and 72 individuals; fines were assessed in the amount of \$23.5 million, and sentences of 10,653 jail days (approximately 29 years) were imposed, of which 2,739 days (approximately 7.5 years) will be served.

Integral to the Division's criminal enforcement effort is an intensive probe of bid-rigging and price-fixing activities in connection with Federal Government procurement. The Division's high priority in this area has been the investigation and prosecution of bid rigging and price fixing on contracts let by the United States Department of Defense, including the U.S. Army Corps of Engineers. These cases have involved the procurement of military uniforms, gloves, dredging, moving and storage services for military personnel, dairy products, and various medical products. Division prosecutions have charged violations of Section 1 of the Sherman Act, mail fraud, false statements submitted to government agencies, and interstate commerce fraud. In 1990, the Division filed 11 bid-rigging and price-fixing cases, resulting in 14 indictments. The Division intends to maintain active in this area of criminal enforcement with 21 of its current 142 grand jury investigations focused on Federal Government procurement programs.

The Division's economic analysis staff conducted a review of available data and concluded that anti-cartel enforcement activities save the Federal Government through reduced expenditures on goods and services purchased by the government, anywhere from \$400 million to \$1.85 billion annually. This represents the order of magnitude of commerce involved in Federal Government procurement, as these estimated savings represent only one-tenth of one percent of the total dollar volume. Fines returned to the Treasury are only a small part of the return on investment in this program. Savings to consumers and taxpayers as a result of the deterrent effect of antitrust enforcement multiply the cost effectiveness of resources devoted to eliminating price fixing, bid rigging and market allocations among competitors.

Program Changes

	1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Termination and prevention of private cartel behavior	245	225	\$22,408	250	227	\$22,731	5	2	\$323

A program adjustment of five positions, two workyears, and \$200,000 is requested to support criminal litigation that may result from the Federal Trade Commission's investigation of infant formula pricing. Infant formula is a highly regulated product, and the program accounts for one-third of low-income families under the Special Supplemental Food Program for Women, Infants, and Children (WIC). The program accounts for one-third of all sales of infant formula in the United States. This additional funding is requested to support the Commission's investigation, the Antitrust Division will litigate infant formula. If this infant formula cartel activity is uncovered during the Commission's investigation, the Antitrust Division will litigate any criminal cases brought as a result of this significant investigation.

In addition, funds in the amount of \$23,000 are needed to meet increased costs of court reporting associated with the Cartel Program following the Judicial Conference's decision to compensate federally contracted court reporters at a rate comparable to that of the private sector, a decision that will significantly increase the cost of court reporting. No flexibility exists in other program areas with which to meet these important funding needs.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Preservation of competitive market structure	30	30	\$4,561	30	30	\$6,286	94	94	\$11,418	64	64	\$5,132

The resources identified above exclude filing fees collected pursuant to Public Law 101-162 that are used to support the Antitrust Division's Competition Policy and Market Structure Program. The Division's 1991 enacted appropriation provided for a \$20 million reliance on filing fees. However, enacted appropriation language provides for direct authority in the event that filing fee earnings do not materialize to the authorized level. Because of current trends in filing fees earnings, the Division has been authorized up to \$5 million in indefinite budget authority for 1991, and up to \$15 million in direct authority to \$15 million. For 1992, the Division is requesting the restoration of the \$5 million in direct authority, and the \$15 million in direct authority to \$15 million, to relieve remaining budget uncertainty associated with filing fee income.

Long-Range Goal. To enhance the ability of markets to function efficiently by preventing mergers and acquisitions that may lessen competition and by preventing and dissipating monopoly power acquired or maintained by purposeful conduct inconsistent with competition on the merits.

Major Objectives:

To implement a coherent merger enforcement program which prevents mergers that threaten to reduce competition in specific markets while eliminating governmental interference with transactions having no significant potential for harm.

To enforce effectively the premerger notification requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

To prevent or dissipate market power that is sought, obtained or maintained through anticompetitive conduct.

Basic Program Description: The purpose of this program is to prevent or dissipate unlawfully acquired or maintained market power and to enjoin mergers that may lessen competition. Economists are in general agreement that the potential economic benefits of preventing monopolization of and undue concentration in particular markets are substantial. The Division promotes and maintains the competitive structure of the national economy through investigation and litigation of instances in which market power is sought, attained, or maintained through anticompetitive conduct and by seeking injunctive relief against mergers and acquisitions that may tend substantially to lessen competition. The principal statutes enforced under this program are sections 1 and 2 of the Sherman Act and section 7 of the Clayton Act. The Division's responsibility for this enforcement program is found in 28 C.F.R. §0.40(a).

Accomplishments and Workload: Accomplishments of the Preservation of Competitive Market Structure Program are presented in the following table:

Item	1992	1990	1991	1992
Premier Notifications.....	2,883	2,271	1,750	1,750
Chargeable, fee-generating, notifications.....	1/	1,377 1/	1,475	1,475
Preliminary Inquiries				
Pending at start of year.....	21	17	26	36
Open during the year.....	83	97	105	105
Closed during the year.....	87	88	105	105
Civil Investigations				
Total merger investigations.....	83	97	107	107
Hart-Scott-Rodino - MSR.....	14	19	26	26
Non-MSR.....	19	38	48	48
Merger investigations second requests				
and/or CIDs issued - MSR.....	29	32	36	36
Merger investigations CIDs issued - Non-MSR....	14	23	32	32
Merger Cases				
Filed at start of year.....	8	11	15	15
Filed during the year.....	5	11	12	12
Closed during the year.....	2	7	12	15
Proposed Merger Transactions - Challenges				
Restructured/Abandoned on Announced Decision by the Division.....	4	6	6	6
Restructured/Abandoned before final Decision to Challenge by the Division.....	3	5	6	6

1/ The premerger notification filing fee did not become effective until November 29, 1989.

In addition, funds in the amount of \$132,000 are needed to meet increased costs of court reporting following the Judicial Conference's decision to compensate federally contracted court reporters at a rate comparable to that of the private sector, a decision that will significantly increase costs of court reporting. No flexibility exists in other program areas with which to meet these important funding needs.

	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease	
	Enacted		Perm.	Est.	Perm.	Est.	Perm.	Est.
	Yr	Amount	Yr	Amount	Yr	Amount	Yr	Amount
Policy analysis, legislation and training.....	60	\$5,053	60	\$5,476	62	\$5,565	2	\$89

Long-Range Goal: To enhance the quality of enforcement activities through economic and statistical analysis, to ensure that the objective of increased market competition is vigorously promoted in new legislation and regulation, and to improve training for Division employees.

Major Objectives:

To develop sound economic bases for investigations and litigation to ensure that the enforcement program is beneficial to the economy.

To encourage the submission and passage of legislation promoting a competitive economy and discourage legislation granting unjustified exemptions from the antitrust laws or hampering their enforcement.

To encourage development of international economic policy conducive to fair and open competition among nations.

To enhance the litigation skills of Division attorneys and train support staff in the use of the increasingly sophisticated tools available to the legal community.

Base Program Description: Enforcement of the antitrust laws is difficult and time-consuming because it is often the case that what conduct and particularly which mergers are prohibited by those laws can often be determined only after careful economic analysis. Errors in antitrust enforcement can have profound consequences for the affected industries and for the public. Thus economists are key adjuncts to the Division's attorneys in the analysis of economic issues. The Division's economists are also instrumental in the restructuring of the Bell system. Recent global events have resulted in increased demands on the Division to assist in shaping U.S. international economic policy. Finally, hundreds of legislative proposals must be considered by the Department each year, many having serious economic and competitive implications. The Division is the Department's sole resource for dealing with such competitiveness issues and significantly contributes to Administration policy. General authority for these programs is found in 28 C.F.R. 10.40. The Division works to ensure that its professional staff members remain abreast of evolving legal concepts and judicial interpretation of standing precepts in order to enforce antitrust laws efficiently and effectively.

Accomplishments and Workload: The workload of the Policy Analysis, Legislation and Training Program is summarized in the following table:

Item	1989		1990		1991		1992	
	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
Congressional Appearances.....	9	5	10	10	10	10	10	10
White House Correspondence Referrals.....	223	222	225	225	225	225	225	225
Congressional Correspondence.....	318	456	375	375	375	375	375	375
Congressional and OMB Requests for Comments.....	368	426	400	400	400	400	400	400
Statutory Reports.....	53	54	55	55	55	55	55	55

The Division's legal and economic policy analysis staff reviews antitrust litigation proposals that present novel, complex legal issues, and provides assistance on policy, procedural and other difficult general issues that arise during consideration of criminal prosecutions, merger review and litigation, the recovery of civil damages under the antitrust law or the False Claims Act, and business reviews. Economists provide timely economic analysis of business reviews, and assist in the investigation and analysis of proposed mergers and acquisitions. Economists identify and focus the economic issues involved in antitrust litigation, and assist in the development of trial strategy relating to the economic issues. Economists play a significant role in assisting and strengthening the Division's criminal antitrust enforcement. Economists work with attorneys conducting grand jury investigations to determine the scope of conspiracies and how conspiracies function. Economists in bid-rigging and price-fixing cases frequently use economic testimony in their defenses, and government economists work to anticipate these defenses and rebut them at trial.

Among the most significant issues facing this program in the near term and into the future is the establishment and preservation of equitable trade policies among the world's competitors. A prominent recent example is the Structural Impediments Initiative (SII), a Presidential initiative consisting of talks to identify and solve structural problems in both the United States and Japan that stand as impediments to trade and balance-of-payment adjustments. The Antitrust Division is an integral participant in these talks with respect to exclusionary practices and enforcement of the anti-monopoly act in Japan.

It is a core principle of American economic policy that antitrust enforcement enhances efficiency, increases competitiveness and contributes to the openness of markets in the United States. The Japanese antitrust laws are similar to those of the United States, but enforcement of the anti-monopoly act, the key antitrust law of Japan, has been sporadic. As a result, there is a perception that price fixing, bid rigging, market allocation and group boycotts have become routine in Japan and that these practices contribute to the difficulties faced by American companies seeking to penetrate Japanese markets.

On April 5, 1990, a joint announcement by the United States and Japan was made of significant steps the countries agreed to take to reduce structural impediments to trade, including major steps designed to improve Japanese antitrust enforcement. A final report on the SII talks was issued on June 28, 1990. The report is an historic document containing significant and extensive recommendations for action on both the part of the United States and Japan. The report calls for the United States to improve its antitrust enforcement efforts and contribute to a reduction of external trade barriers. SII implementation will lead to more efficient, open and competitive markets, and promote sustained economic growth in both the United States and Japan. The Division has been involved significantly on these evolving policy issues and will continue to be involved in the future, including the monitoring of developments while the SII commitments are being implemented.

As political and economic change has accelerated in Eastern Europe, government officials in the newly-democratic countries have sought the Division's expert advice on competition policy matters. The Division has been actively consulting with senior government officials in Hungary, Poland, Czechoslovakia, Bulgaria, the Soviet Union, and other countries on the formation of free market economies and the development of effective competition enforcement regimes. This technical assistance is anticipated to continue for several years at a minimum. Further, Division resources will need to be devoted to monitoring merger regulation and other developments in the European Community and its member countries as integration increases, and to help implement antitrust enforcement with the European Community, in order to achieve harmonization for multicountry transactions and to assure that American enterprises receive equitable treatment in European markets.

Other projects recently concluded under this program include the development of positions regarding criminal enforcement issues that are not case-specific. One involved the legal and practical implications of attempting to enhance the Division's ability to detect antitrust violations through the interception of wire and oral communications—wiretapping. Another concerned the problem of companies that dissipate their assets and leave government investigators with no assets to seize. Before the Division can impose and collect a criminal fine, an important ongoing project involves implementing key new sentencing guidelines for antitrust offenses.

The Division's legislative program entails drafting and supporting legislative proposals to amend antitrust laws or other statutes affecting competition, analyzing proposed legislation, draft reports, and testimony prepared by other agencies, and submitting comments on hundreds of such items to other divisions, the Office of Management and Budget, and Congress. It also includes preparing testimony to be given on behalf

of the Department and the Administration, and coordinating responses to correspondence or other inquiries received from Congress or forwarded from the White House. Among the most important ongoing legislative efforts of the Division is support of antitrust reform proposals. A key proposal under consideration would provide increased opportunity and protection for pro-competitive joint production by American firms to keep pace with foreign competition. Another initiative is to close a possible loophole in the law governing potentially anticompetitive asset acquisitions.

Other proposals have already significantly improved and modernized the nation's antitrust laws. These include increased maximum fines for price fixing and bid rigging by corporations; providing treble damages to the United States when it is injured by price fixing or bid rigging; and modernizing the prohibitions in Section 8 of the Clayton Act concerning interlocking corporate directorates. The Division has primary responsibility for the administration and implementation of these laws, coordinating with other Executive Branch agencies in formulating the Administration's position regarding legislation for Congress on the Bill, and, in conjunction with the Office of Legislative Affairs, explaining the proposals to Congressional staff members.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	VI Amount	Pos.	VI Amount	Pos.	VI Amount
Policy analysis, legislation and training.....	60	\$5,476	62	\$5,565	2	1 \$89

An increase of two positions, one workyear and \$89,000 is requested as a workload-related program adjustment for the Policy Analysis, Legislation and Training Program in 1992. At this level of funding, the Division could adequately address new and important issues involved in this program area including its significant advisory role in evolving international trade issues. The additional resources requested will provide two positions, one attorney and one economist, a total of one workyear for 1992.

Recent events around the globe have resulted in increased demands on the Division as a shaper of international economic policy. Negotiations with the Soviet Union and the Eastern Bloc have increased the importance of the Division's role in developing and implementing policy in such negotiations, and have taken on increased importance in our global economy. Antitrust and competition policy are important aspects of such negotiations, and additional resources are needed to address them adequately. Developments in Eastern Europe, as well as third world countries, mean steadily increasing demand for leadership to guide all parties to procompetitive solutions and effective antitrust enforcement. Competition policy in the European Community and its member countries is also requiring increasing attention. With rapidly-changing international market realities, the Division can be expected to be involved in broad economic negotiations with many trading partners. The Division's role in international trade policy is becoming increasingly important as the world economy moves toward a global economy of the 1990's. The additional positions will allow this program to remain abreast of increasing workload. No flexibility exists in other program areas with which to meet this important funding need.

	1991 Appropriation		1992 Base		1992 Estimate	
	Pos.	VI Amount	Pos.	VI Amount	Pos.	VI Amount
Competition advocacy program...	34	\$2,671	34	\$2,696	34	\$2,896

Long-Range Goal: To eliminate unnecessary or counterproductive governmental interference with free market forces and seek adoption of the most competitive means of achieving overriding social purposes.

Major Objectives:

To achieve greater competition in regulated industries.

To stimulate competition in the delivery of professional services.

To reduce or eliminate unnecessary antitrust immunities enjoyed by particular industries.

To encourage competition as new technologies are developed.

To prevent or minimize protectionist restrictions on free and fair international competition.

Base Program Description: As an advocate of competition, the Antitrust Division seeks the elimination of unnecessary regulation and adoption of the most competitive means of achieving a sound national economy through participation in proceedings before regulatory agencies and in Executive Branch deliberations relating to competition policy. Authority for these various activities is found in 28 C.F.R. §6.40; the Federal Coal Leasing Amendments Act of 1976; the Deepwater Port Act of 1974, 33 U.S.C. §1506(a); the Atomic Energy Act of 1954, 42 U.S.C. §2135; the Federal Aviation Act, 49 U.S.C. §1378-24; the 1960 Bank Merger Act, 12 U.S.C. §1828; the Bank Holding Company Act, 12 U.S.C. §1842; the National Housing Act, 12 U.S.C. §1702; the Outer Continental Shelf Lands Act, 43 U.S.C. §1331, et seq.

Accounting Methods and Workload: The workload of the Competition Advocacy Program is summarized in the following table:

Item	1989	1990	1991	1992
Participation in bank merger proceedings				
Total Screenings 1/	1,505	1,598	1,600	1,600
Savings and Loan Letters 2/	126	1	1	1
Bank Holding Letters	1	859	900	900
Merger Letters	648	-	-	-
Participation in regulatory agency proceedings				
Department of Transportation (DOT)	1	3	-	-
Federal Communications Commission (FCC)	1	7	-	-
Federal Energy Regulatory Commission (FERC)	13	22	-	-
Federal Maritime Commission (FMC)	2	-	-	-
Interstate Commerce Commission (ICC)	14	14	-	-
Other	4	8	-	-
Total	20	54	55 3/	55 3/

1/ Total screenings include review of bank holding company activities in addition to savings and loan letters, bank holding letters, and merger letters.

2/ In August 1989, the Federal Institutions Reform, Recovery and Enforcement Act placed savings and loan applications under the Bank Merger Act, thus, beginning in 1990, the count for this workload line is included in the "Merger Letters" total.

3/ At this time, the Division cannot estimate by particular agency where participation will occur.

The Division supports its mission by appearing before Congress and the various Federal regulatory agencies to advocate procompetitive approaches to economic problems, and to develop proposals for legislation or regulation that rely upon free market forces in preference to direct economic regulation. Competition is generally the best approach to the allocation of resources, achieving the greatest output of goods and services at the lowest cost. Consequently, antitrust laws are fundamental to the economic well-being of Americans as private restraints of trade, particularly when such regulation shields activities by private parties that

otherwise would be illegal under the antitrust laws. When market failures or overriding social goals clearly require regulation, the Division works with Congress and regulatory agencies to ensure that those failures are effectively eliminated, or other social goals successfully accomplished, with minimum disruption to competitive processes.

	1991 Appropriation			1992 Base			1992 Estimate			Increase/Decrease		
	Perm.	Excl.	WT	Perm.	Excl.	WT	Perm.	Excl.	WT	Perm.	Excl.	WT
Management and Administration...	67	73	\$4,455	67	73	\$4,799	67	73	\$4,850	...	...	\$51

Long-Range Goal. To provide effective and efficient management and policy direction of all Antitrust Division activities, and to provide the support necessary to carry forward the Division's programs.

Major Objectives:

To provide coordinated, consistent policy direction to the Federal antitrust program and effective liaison with other agencies, both Federal and State, the business community, and the general public.
To allocate resources, manage workload, and evaluate the productivity of the Division to produce results beneficial to the American economy and the taxpayer.

To provide effective and efficient administrative and systems support to Antitrust Division activities.

Base Program Description: Top management provides policy guidance, administers controls, and directs the full range of Division activities. In addition to specific case direction, Division management officials direct the overall administration and management of the Division, including determining the allocation of a finite amount of resources among competing programs to meet the varied responsibilities of the Division as effectively as possible. Division officials articulate and implement competition policy and evaluate its impact on legislative and governmental actions. Administrative support is required to assure effective control and management of Division resources and to provide the services and tools needed by the operating staff to do its job.

Accomplishments: The Division continues to expand its use of automated systems to ensure accurate and timely information and support to its managers and operating staff. In order to provide a continued high level of support to its sections and field offices, the Division has moved aggressively in the use of its on-site minicomputer network for a wide range of purposes, including desktop access to legal and economic research data bases, electronic mail, automated time and attendance reporting for payroll purposes, and management information system, as well as word processing. Additionally, the Division has made use of portable professional computers for remote trials to increase the quality of off-site support.

Beginning in 1989, the Division commenced purchase of Project EAGLE equipment in accordance with the Department's objective to achieve agency-wide automation compatibility. The Division presented a plan for additional EAGLE purchases in 1990, 1991, and 1992. The proposed equipment, software, and services would provide Division users with capabilities that are complementary to the Division's system and will enable the Division to achieve compatibility with other Departmental components and the core requirements of the next generation of office automation systems as identified in the Department of Justice Uniform Office Automation Project.

With regard to the Administration's interest in improving program management, an automated merger tracking system was established in 1990 to improve the monitoring of merger reviews and merger cases. Division officials have found this system an invaluable tool to assist them in assuring that merger reviews are assigned and processed efficiently and statutory deadlines are met.

In addition, a review of the Division's Automated Management Information Systems was conducted, and recommended actions will be taken in 1991 and 1992 to improve the tracking of workload and resource expenditures.

The Division, in concert with the Federal Trade Commission, instituted an outreach program to the state attorneys general in 1990 to assure increased cooperation and consistency in antitrust enforcement policy at all levels of government.

Program Changes:

1992 Base			1992 Estimate			Increase/Decrease		
Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
67	73	\$4,799	67	73	\$4,850			\$51

Management and administration.....

Funds in the amount of \$51,000 are identified as program increases in 1992 necessary to support the Department's implementation of the Administration's Management Priorities for the 1992 Budget, as outlined in OMB Memorandum (M-90-05) dated July 16, 1990, to all Executive Departments and Agencies. The funding will be used specifically to address upgrades in financial management systems consistent with the Administration's long standing goals for consolidating, upgrading and modernizing multiple agency financial systems into a single integrated financial management system within each agency, with full implementation of the core financial requirements and the standard ledger and capable of producing auditable financial statements.

Given escalating workload trends, including increased involvement in global economic issues, additional jurisdiction for airline merger activity, and increasingly complex structure and criminal issues arising in the courts, the Division must have adequate management direction and administrative support. Opportunities to consolidate and streamline management and administrative resources have been identified and exploited to the extent possible. No flexibility exists in other program areas with which to meet this important funding need.

**Attorney Division
Salaries and Expenses
Financial Analysis - Program Changes**
(Dollars in thousands)

Use	Federal Appellate Activity		Termination and Prevention of Private Cartel Behavior		Preservation of Competitive Market Structure		Police Legislation and Training		Management and Administration		GRAND TOTAL	
	POS	AMT	POS	AMT	POS	AMT	POS	AMT	POS	AMT	POS	AMT
Grades												
GS-12	3	\$139	2	\$89	2	\$69	...	...	7	\$297
GS-11	8	\$98	...	...	...	...	8	\$398
GS-10	1	34	10	311	...	...	...	...	11	345
GS-9	17	417	...	...	...	...	17	437
GS-8	5	116	...	...	...	...	5	116
GS-7	1	23	12	432	...	...	...	...	13	276
GS-6	3	51	...	...	...	...	3	76
GS-5	2	30	...	...	...	...	2	30
GS-4	1	14	...	...	...	...	1	14
GS-3
Total positions and annual rate	5	196	64	1,674	2	69	...	...	71	1,939
Total positions and annual rate (less 1 position and annual rate)	4	161	63	1,660	1	53	...	...	70	1,876
Personnel Compensation	2	98	64	1,674	1	44	...	...	67	1,816
Travel of persons
Transportation of things
GSA rent
Communications
Printing and reproduction
Other GSA services
Judicial Conference Decisions
Supplies and materials
Telephone services
Total program activities
and obligations changes requested	5	323	64	5,132	1	89	...	...	67	5,690

Antitrust Division
SALARIES AND EXPENSES
Priority Rankings

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Termination and Prevention Of Private Cartel Behavior	1	Preservation of Competitive Market Structure	1
Preservation of Competitive Market Structure	2	Termination and Prevention of Private Cartel Behavior	2
Competition Advocacy Program	3	Policy Analysis, Legislation and Training	3
Federal Appellate Activity	4	Federal Appellate Activity	4
Policy Analysis, Legislation and Training	5	Management and Administration	5
Management and Administration	6		

Antitrust Division
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1990 - 1992

Category	1990 Authorized	1991 Authorized	1992	
			Base	Program Increases Total
Direct:				
Attorneys (905).....	184	237	237	36 273
Paralegal Specialists (950).....	40	43	43	11 54
Other Legal and Kindred (900-998).....	11	11	11	... 11
Social Sciences, Economics and Kindred (100-199).....	23	23	23	... 24
General Administration, Clerical and Office Services (300-399).....	117	126	126	23 149
Accounting and Budget (500-599).....	7	7	7	... 7
Business and Industry Group (1100-1199).....	4	4	4	... 4
Mathematics and Statistics Group (1500-1599).....	1	1	1	... 1
Total.....	387	452	452	71 523
Washington.....	281	326	326	52 378
U.S. Field.....	106	126	126	19 145
Total.....	387	452	452	71 523
Indirect (Filing Fees):				
Attorneys (905).....	119	66	66	- 32 34
Paralegal Specialists (950).....	24	21	21	- 10 11
Other Legal and Kindred (900-998).....	5	5	5	... 5
Social Sciences, Economics and Kindred (100-199).....	19	19	19	... 19
General Administration, Clerical and Office Services (300-399).....	64	55	55	- 22 33
Accounting and Budget (500-599).....	3	3	3	... 3
Business and Industry Group (1100-1199).....	2	2	2	... 2
Mathematics and Statistics Group (1500-1599).....	...	...	...	... ..
Total.....	236	171	171	- 64 107
Washington.....	164	119	119	- 45 74
U.S. Field.....	72	52	52	- 19 33
Total.....	236	171	171	- 64 107

**Antitrust Division
Salaries and Expenses
Summary of Change
(Dollars in thousands)**

	Perm. Pos.	Work- years	Amount
1991 appropriation enacted.....	452	437	\$38,730
Adjustments to base:			
Mandatory increases:			
Additional compensable day.....	207
1991 pay raise.....	339
1992 pay raise.....	1,057
Federal Pay Reform.....	132
Annualization of Executive Level and Senior Executive Service pay increases.....	159
Health benefits.....	136
Federal Employees Retirement System (FERS).....	130
Federal Employees Compensation Act.....	35
Travel: mileage.....	4
GPO and Departmental printing.....	12
Financial Operations and Systems Service (FOS).....	156
Security Investigations.....	3
Recruitment and Retention.....	186
General Services Administration (GSA) rent.....	1,789
GSA recurring reimbursables.....	289
Total, mandatory increases.....	4,574
Decreases:			
Unemployment Compensation Redistribution.....	---
1992 Base.....	452	437	43,294
Program Increases.....	71	62	5,600
1992 Request.....	523	504	48,894

Antitrust Division
Salaries and expenses
Justification of Adjustments to Base
(Dollars in thousands)

Amount
(\$000s)

\$207

Mandatory Increases:

1. One additional compensable day.....

The annual salary rate for Federal employees is based on 260 paid days. 1992 has one more compensable day (262) than 1991 (261). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$159,000 for pay and \$48,000 for benefits.

2. 1991 pay annualization.....

This pay annualization represents only first quarter amounts (October through December) of the 1991 4.1 percent pay increase effective January 1, 1991. The Department received funding in the 1991 budget request for fifty percent of this pay increase. The remaining fifty percent was required to be absorbed.

3. 1992 pay raise.....

This request provides for the proposed 4.2 percent pay raise to be effective in January of 1992 and is consistent with Administration policy. The amount requested, \$1,057,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$813,000 pay and \$244,000 benefits equals \$1,057,000).

4. Federal Pay Reform.....

This request provides for fifty percent of the costs of Federal Pay Reform. Specifically, personnel assigned to the New York and San Francisco Field Offices were authorized an eight percent locality pay differential in addition to the 1991 pay increase. Funds are needed to meet costs of pay (\$104,000) and benefits (\$28,000) related to this increase.

5. Annualization of Executive Level and Senior Executive Service pay increases.....

This request of \$159,000 represents only the first quarter costs (October through December) of the Executive Level (EX) and Senior Executive Service (SES) proposed salary increases effective in January of 1991 (\$122,000 for pay and \$37,000 for benefits). The balance of the costs of these increases was required to be absorbed.

6. Health benefits.....

The Federal Employees Health Benefits Act (P.L. 91-246) provided that the Government's share of health insurance would be sixty percent of the total rate commencing in 1975. Effective the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 18.4 percent. The Department's contribution to health insurance for 1990 was \$136,000. The Department requested an increase of \$136,000 in 1991. This request provides 18.4 percent of the actual increased costs from pay period 1 to pay period 2 of 1990 projected for a full year.

Amount
(\$000s)
\$140

7. Federal Employees' Retirement System (FERS).....

This request provides for the additional costs in 1992 necessary to continue the implementation of the Federal Employees Retirement System Act of 1986, P.L. 99-335. This Act established a retirement program for Federal civilian employees and Postal Workers hired after December 31, 1983, who are covered by Social Security. The program is administered by the Office of Personnel Management and is based on the new system. The increased retirement of \$140,000 for 1992 is based on actual agency payments for the basic FERS annuity, Social Security and Thrift Savings Plans.

35

8. Federal Insurance Corporation Act.....

Beginning the first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated increased to \$51,300. In addition, the rate increased to 7.65 percent. Medicare rates remained at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. This increase of \$35,000 is computed based on these rate charges.

4

9. Travel: mileage.....

The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$4,000 for this change in allowance.

12

10. GPO and Department printing.....

The Government Printing Office (GPO) is currently projecting a six percent increase over the 1991 printing costs of \$200,000. An additional \$12,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.

189

11. Financial Operations Systems Service (FOS).....

This request provides for the additional costs in 1992 for FOS and the Department's Financial Management Information System (FMIS) processing charges. A 7.5 percent increase is required for these charges. For 1991, no mandatory increase was requested. Personnel, benefits, space, printing, and data processing rates have all increased over time. Therefore, an increase of \$189,000 is requested for 1992.

3

12. Security investigations.....

The Office of Personnel Management (OPM) has notified users of an 8 percent increase in the standard rate charged for one full-time investigation over the 1991 base cost of \$2,300. The mandatory increase is calculated on the separation rate of 35 persons for 1991 (based on 1990 actuals) for a total increase of \$3,000.

13. Security reinvestments.....	Amount (\$'000s)
The security reinvestment program has been receiving widespread attention due to the increase in espionage cases, and the many additional employees that have been working in their jobs for a number of years. The program has been successful in providing additional resources to the Department's security. The OPM Federal Personnel Manual Chapter 736 requires increments of certain positions to be reinvested, at a minimum, every five years. By 1992, the Department will require 7,600 employees to be reinvested in each of the next five years to address the already existing backlog. Requested resources will provide for only 2,300 cases per year of the 7,092 cases that remain unfunded. An increase of \$186,000 will be required in 1992.	\$186
14. General Services Administration (GSA) Rent.....	1,739
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the tremendous increase in rental charges, GSA has allowed an overall 15 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$1,739,000 provides for this actual increase over the expected 1991 billing level.	
15. GSA recurring reimbursable services.....	269
Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in connection with the Department's security. GSA's contract is based on projected actual Department, although increase (or decrease) amounts by organization vary based on anticipated actual billings. This request for \$269,000 includes a departmental redistribution to meet these actual needs as well as the 15 percent increase over our projected 1991 base.	
Total, mandatory increases.....	<u>4,574</u>
Decreases (Automatic non-policy):	
1. Unemployment Compensation Redistribution.....	-10
This decrease reflects the most recent complete annual billing provided by the Department of Labor for employees' unemployment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. The 1992 amount will be \$10,000 under the 1991 base.	
Total, adjustments to base.....	<u>4,564</u>

Antitrust Division
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
DIRECT FUNDING:								
Grades and salary ranges								
Executive Level IV, \$108,300.....	1		1		1			
ES-5, \$104,600.....	14		17		17			
ES-4, \$100,500.....	1		2		2			
ES-3, \$96,400.....	1		1		1			
ES-2, \$92,200.....	1		1		1			
ES-1, \$87,000.....	1		1		1			
GS/GM-15, \$61,289-79,675.....	133		156		156			
GS/GM-14, \$52,104-67,737.....	65		90		90			
GS/GM-13, \$44,092-57,322.....	47		47		47			
GS-12, \$37,456-50,681.....	19		19		19			
GS-11, \$30,917-40,216.....	16		33		30			
GS-9, \$25,569-33,237.....	24		33		50			
GS-8, \$23,150-30,098.....	12		12		17			
GS-7, \$20,902-27,175.....	28		28		41			
GS-6, \$18,610-24,453.....	11		11		5			
GS-5, \$16,362-21,468.....	7		7		10			
GS-4, \$15,083-19,610.....	4		4		6			
GS-3, \$13,437-17,469.....	2		2		3			
1992 pay increase.....								
Total, appropriated positions.....	387	\$18,717	452	\$22,628	523	\$1,084	71	\$3,295
Pay above stated annual rates.....								
Lapse.....								
Savings due to lower pay scales for part of year.....	-40	-2,294	-42	-1,941	-49	-2,251	-7	-310
Net full-time permanent.....	347	16,190	410	20,476	474	23,547	64	3,071
Other than permanent:								
Part-time permanent.....	10	461	10	479	13	520	3	41
Temporary employment.....	17	816	17	848	17	882		34
Other part-time and								
Other intermittent employment.....								
Other personnel compensation:								
Other compensation.....	5	126	5	126	5	131		5
Total, workyears and personnel compensation.....	379	17,709	442	22,465	509	25,659	67	3,184
Average ES Salary.....		(878,500)		(899,325)		(899,325)		
Average GS/GM Salary.....		(846,801)		(847,105)		(847,178)		
Average GS/GM Grade.....		(12.4)		(12.4)		(12.3)		

Antitrust Division Salaries and Expenses Summary of Requirements by Grade and Object Class (Dollars in thousands)									
INDIRECT FUNDING (FILING FEES):	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease		
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	
Grades and salary ranges									
Executive level IV, \$108,500	5		2		2				
ES-5, \$104,600	1								
ES-4, \$100,500	1								
ES-3, \$95,300									
ES-2, \$91,200									
ES-1, \$87,000									
GS/GM-15, \$61,288-79,675	53		30		30				
GS/GM-14, \$52,104-67,737	6		19		19				
GS/GM-13, \$44,042-50,322	18		8		17				
GS-14, \$37,019-40,201	14		11		1				
GS-11, \$30,937-40,216	26		17						
GS-9, \$25,569-33,237	5		5						
GS-8, \$23,150-30,098	12		12						
GS-7, \$20,902-27,175	4		4						
GS-6, \$18,810-24,453	3		3						
GS-5, \$16,875-21,942	2		2						
GS-4, \$15,083-19,610	1		1						
GS-3, \$13,437-17,469									
1992 pay increase (see, DIRECT)									
Total, indirect authorized pos.	236	\$10,299	171	\$6,939	107	\$5,265	-64	-\$1,674	
Pay above stated annual rates									
Lapse									
Savings due to lower pay scales for part of year	-111	-3,642	-11	-367	-8	-361	3	26	
Net full-time permanent	125	6,657	160	6,474	99	4,851	-61	-1,623	
Other than permanent:									
Part-time permanent	4	233	3	129			-3	-129	
Temporary employment	10	62							
Other part-time and intermittent employment									
Other personnel compensation:									
Overtime	3	95	3	76	3	76			
Other compensation									
Total, workyears and personnel compensation	142	7,358	166	7,103	102	4,950	-64	-2,143	
Average ES Salary...		(\$78,500)		(\$100,500)		(\$100,500)			
Average GS/GM Salary		(\$46,150)		(\$52,869)		(\$48,228)			
Average GS/GM Grade		(12.7)		(12.1)		(13.3)			

Antitrust Division
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

DIRECT FUNDING:

Object Class	1990 Actual Workyears	Amount	1991 Estimate Workyears	Amount	1992 Request Workyears	Amount	Increase/Decrease Workyears	Amount
11.1 Full-time permanent.....	347	\$16,190	410	\$20,476	474	\$23,547	64	\$3,071
11.3 Other than full-time permanent.....	27	1,277	27	1,327	30	1,402	3	75
11.5 Other personnel compensation.....	5	242	5	662	5	700	...	38
Total, workyears and personnel.....	379	17,709	442	22,465	509	25,649	67	3,184
12 Compensation.....	379	17,709	442	22,465	509	25,649	67	3,184
13 Personnel benefits.....	2,608	6	2,608	4,202	2,608	5,233	1,025	1,031
21 Travel and transportation of persons.....	947	...	947	807	947	1,228	421	421
22 Transportation of things.....	260	5,465	260	5,150	260	342	100	100
23.1 GSA rent.....	1,081	...	1,081	1,415	1,081	7,100	1,950	1,950
23.3 Communications, utilities, advertising and postage.....	3,789	...	3,789	1,415	3,789	2,511	1,196	1,196
24 Printing and reproduction.....	563	...	563	3,227	563	5,004	1,777	1,777
25 Other services.....	801	...	801	530	801	734	204	204
26 Supplies and materials.....	34,317	...	34,317	506	34,317	675	169	169
31 Equipment.....	...	...	...	...	...	...	...	...
42 Insurance Claims.....	...	...	...	...	...	...	...	...
Total obligations.....	...	...	...	38,730	...	48,894	10,164	10,164
Relation of obligations to outlays:								
Unobligated balance available, start of year.....	...	...	...	500	...	...	...	...
Obligated balance, start-of-year.....	17,126	...	17,126	11,767	...	9,590	...	9,590
Obligated balance, end-of-year.....	-11,767	...	-11,767	-9,590	...	-11,645	...	-11,645
Adjustments in expired accounts.....	-5,484	...	-5,484	...	...	...	...	...
Unobligated balance available, end of year.....	-500	...	-500	...	...	...	...	...
Outlays.....	33,692	...	33,692	41,307	...	46,939	...	46,939

Note: Figures shown in the 1991 column for object classifications 11 and 12 differ from figures shown in the President's Budget Appendix because of a change in the distribution of compensation and benefits associated with the 65 workyears transferred from indirect funding from filing fees to direct appropriation funding in 1991.

Antitrust Division
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

INDIRECT FUNDING (FILING FEES):

Object Class	1990 Actual Workyears	Amount	1991 Estimate Workyears	Amount	1992 Request Workyears	Amount	Increase/Decrease Workyears	Amount
11-1 Full-time permanent.....	125	\$6,657	160	\$6,474	99	\$4,851	-61	-\$1,623
11-3 Other than full-time permanent.....	14	295	3	129	...	...	-3	-129
11-5 Other personnel compensation.....	3	406	3	500	3	109	...	-391
Total, workyears and personnel.....	142	7,358	166	7,103	102	4,960	-64	-2,143
12 Compensation fees.....	...	1,464	...	594	...	810	...	216
13 Benefits to former personnel.....	...	...	...	16	...	...	...	-16
21 Travel and transportation of persons.....	...	282	...	645	...	239	...	-406
22 Transportation of things.....	...	148	...	166	...	67	...	-99
23-1 GSA rent.....	...	679	...	1,234	...	1,051	...	-183
23-3 Communications, utilities and miscellaneous charges.....	...	287	...	1,380	...	460	...	-920
24 Printing and reproduction.....	...	121	...	169	...	57	...	-112
25 Other services.....	...	2,165	...	3,546	...	2,194	...	-1,351
26 Supplies and materials.....	...	300	...	346	...	184	...	-201
31 Equipment.....	...	...	...	254	...	125	...	-129
42 Insurance Claims.....	...	...	...	...	...	...	...	...
Total obligations.....	...	13,254	...	15,500	...	10,000	...	-5,500

Note: Figures shown in the 1991 column for object classifications 11 and 12 differ from figures shown in the President's Budget Appendix because of a change in the distribution of compensation and benefits associated with the 65 workyears transferred from indirect funding from filing fees to direct appropriation funding in 1991.

Antitrust Division
Salaries and expenses
Consulting and Related Services

	1990 Actual	1991 Estimate	1992 Estimate
Consulting Services.....	\$74	\$75	\$75
Management and Professional Services.....	71	75	75
Special Studies and Analyses.....			
Total.....	145	150	150

Consulting and related services are used in the Antitrust Division only for services which cannot be performed in-house.

During 1990, the Division acquired management consulting services, through personnel appointment, to provide technical advice on various investigations.

In addition, the Division contracted for experts and consultants whose services were utilized for training and/or advising Division personnel with regard to various issues related to criminal and civil workload. Such training was conducted in the form of seminars open to Division personnel generally.

Mr. EARLY. Assistant Attorney General James F. Rill will testify on behalf of the division.

Mr. Rill, we will place your written testimony in the record and ask you to proceed with your statement.

OPENING STATEMENT

Mr. RILL. Thank you very much, Mr. Chairman.

Accompanying me today is Deputy Assistant Attorney General, Judy Whalley.

I would ask the leave of the committee to have my statement inserted in the record and let me simply summarize the high points.

Mr. EARLY. We would appreciate that.

1992 BUDGET REQUEST

Mr. RILL. As you indicated, the division is requesting a total of \$58.9 million for Fiscal Year 1992. As you also indicated, \$48.9 million of that is in direct funding and \$10 million will be made available through Hart-Scott-Rodino premerger notification filing fees; \$5.6 million in direct authority is defined as program increases which consist of the following: First, \$5 million, a simple transfer from filing fee dependent to direct appropriation. This is necessary for improved budget certainty. Filing fees through the Hart-Scott-Rodino premerger filings have not materialized at the levels any of us expected since that funding system was created in 1990. The current estimate is that the fees will provide funding well under \$15 million for 1991. To cover this shortfall, the Office of Management and Budget has provided \$5 million in direct authority as a result of an exemption from the Anti-Deficiency Act that Congress provided last year, the 1992 request would limit the filing fee dependency to \$10 million as contained in our proposed budget.

Second, \$311,000, a required program increase to cover higher court reporter rates and a mandated accounting system upgrade. Third, only \$289,000 and seven positions is an actual program increase, necessary to permit the Division to meet its escalating workload; \$200,000 and five positions is requested to handle additional workload in the event the Federal Trade Commission's current investigation of infant formula pricing results in criminal referrals and, \$89,000 and two positions are requested to address the increased advisory role of the Division in international antitrust issues, including Eastern Europe and negotiations currently underway with the European Community. Finally, \$4.6 million is set forth in our request to cover mandatory cost increases, including \$1.7 million for a rent increase and \$2 million for pay-related increases.

I'd like to discuss briefly, if I may, the Division's major areas of activity.

CRIMINAL ENFORCEMENT

A top priority for the Division, of course, is criminal enforcement of violations of the Sherman Act. Existing funds are stretched to the limit to maintain the level of criminal enforcement and continue our reinvigorated merger program. Once funding stabilizes as a

result of the transfer, more criminal cases can be brought. Seventy-five criminal cases were filed in 1990 against 88 corporations and 72 individuals. Recoveries totaled approximately \$30 million. In 1990, 10,653 jail days were sentenced of which 2,739 will actually be served. Over \$7 million in fines resulted from our prosecutions in the school milk price-fixing conspiracy along in 1990.

To date, in 1991, 30 criminal cases have been filed against 34 individuals, 29 corporations. Recoveries total approximately \$6 million, and already 2,099 jail days have been sentenced to be actually served.

Our major areas of continuing criminal interest include school milk, steel pipe and tube, where we had a very good victory in 1990, government procurement, and moving and storage. Of particular note, in 1990, the Division was commended by the Federal judge in North Carolina for its performance on a government moving and storage case. Health care and soft drink price fixing continue to be major concerns to the Division.

We are very much improved in the criminal enforcement area, and have increased our level of cooperation with the State Attorneys General. We have reinitiated the cross-designation program. We now have 26 attorneys from 14 states cross-designated to participate in our criminal enforcement efforts. We expect very shortly that we will deputize two attorneys in the State of Maryland to participate in the actual investigation and prosecution of a case.

Finally, we are very gratified in 1990 to have obtained Congressional recognition of the importance of the criminal enforcement program under the antitrust laws through the increase in the maximum corporate fine for violation of the Sherman Act to \$10 million, enacted in the last days of the last session of Congress.

MERGER ENFORCEMENT

Let me turn to mergers, and that is the area in which we have requested a transfer of 64 positions, 64 workyears, and a \$5 million transfer to direct authority from Hart-Scott-Rodino filing fee income.

The strong current merger antitrust enforcement program continues to be recognized as a major effort of the Antitrust Division. We need stability of the resources to remain on course with this program. In 1990, we doubled the number of merger challenges filed in District Court. I have been told by observers who have a greater penchant for historical analysis than I that it was the largest number of merger cases filed since 1973.

In addition, a substantial number of merger transactions were abandoned or restructured in the face of an announced challenge, without the complaint actually having been filed. Yet, another five or so mergers were significantly restructured under the very heavy, intense, investigation being conducted by the Division.

At the current time, we have 27 investigations pending. Two cases have actually been filed in 1991, with another announced challenge. This is the second announced challenge. The Bankruptcy Court declined to approve the transfer of the Eastern Gates at Washington National Airport to United and approved, rather, their transfer to Northwest. You may have noticed the Northwest deci-

sion to cut rates out of DCA in competition with United flights out of Dulles, where United has a hub.

So, we were gratified with the relatively early apparent results of that action.

OTHER ENFORCEMENT PRIORITIES

A third area of activity that draws our resources is the area of regulatory reform and competition advocacy with other branches of the Federal Government. This area is one that has increased in importance. With the emphasis of the Administration on regulatory reform, a key area of our activities involves filings before the Interstate Commerce Commission to eliminate the antitrust immunity that is applicable to general rate increases in the motor carrier area. That is an area where I personally argued before the ICC. That matter is still pending.

Another area of importance is the continuation of the antitrust immunity for international air transport, the so called IATA cartel immunity which we have advocated to the Department of Transportation be very, very substantially curtailed. We are participating in a number of working groups of the Competitiveness Council, chaired by Vice President Quayle. We think we are bringing competition policy very much into play and into the deliberations of that group.

In other areas of civil activity, we believe that a major accomplishment was achieved in obtaining a \$10 million settlement of a civil contempt citation against U.S. West for violation of the modified final judgment of the AT&T decree, an area where Judge Greene, in approving the settlement, expressed satisfaction that the Division was taking a strong position to ensure that the judgment, as long as it remains in force, is being significantly pursued by the Antitrust Division.

INTERNATIONAL POLICY

Finally, a fourth major area of activity, although certainly not equal in priority to criminal and merger enforcement is international policy, where we have requested two positions, the equivalent of one workyear, to promote competition in global markets. During calendar 1989 and 1990 particularly, we have become increasingly called upon by the competition authorities in the newly emerging capitalist governments of Eastern Europe, particularly Poland and Czechoslovakia to advise them as to the means and objectives involved in setting up an antitrust enforcement program.

We have proved guidance and have attempted to give them the benefit of our experience in their effort to place competition at the center of their newly developed, capitalist societies.

We also have become increasingly involved with the European Community in discussions of merger enforcement. As you probably know, the European Community, early in 1990, adopted for the first time a merger regulation. That has potentially a connection with the U.S. from the standpoint of notification, cooperation, and consultation. We are working on that issue right now.

In sum, it is our position that a continuing, strong, effective antitrust program is in place. I think it is a real credit to the Division

staff, the career people of the Division and their skill, that strong criminal enforcement has been maintained concurrent with increased activity in the merger area, in the regulatory area and in the international area.

We submit that the modest increase in resources that we have requested is essential for fulfilling the promise of the past year. We have appreciated and continue to appreciate the assistance that we have received from this Committee.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Rill follows:]

ANTITRUST DIVISION
STATEMENT OF THE ASSISTANT ATTORNEY GENERAL
JAMES F. RILL

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here in support of the Antitrust Division's 1992 budget request. With me today is Judy Whalley, Deputy Assistant Attorney General in the Antitrust Division.

First, let me express the Division's appreciation of the strong support of this Subcommittee and the Congress generally for antitrust enforcement programs. The Division intends to continue strong enforcement of the antitrust laws. Competition is the principal driving force of the American free-market economy, and protecting competition is the key to promoting American innovation and strength in domestic and international markets. Sound enforcement of the antitrust laws is the surest means of protecting competition, and we hope that Congress will continue to see to it that the Division has the resources it needs to do its job effectively.

2105

1992 BUDGET REQUEST

For 1992, the Division is requesting a program level of \$58,894,000, 630 positions, and 603 workyears. This is composed of \$48,894,000 and 523 positions directly funded, and \$10,000,000 and 107 positions from filing fee revenue.

The total increase to the Division's 1992 base is \$5,600,000. Of this amount \$5,000,000 and 64 positions is a simple shift from reliance on filing fees to reliance on direct appropriation. This will provide the Division improved budget certainty, as filing fees for premerger notifications under the Hart-Scott-Rodino Act have not materialized at expected levels.

We request another \$289,000 and seven positions to meet an escalating workload. This includes \$200,000 and five positions to strengthen our criminal antitrust enforcement program, and \$89,000 and two positions to address the Division's increased advisory role in international antitrust issues.

Funding in the amount of \$311,000 is requested for administrative support, including the increased costs of court reporters and accounting system improvements.

In addition, funds in the amount of \$4.6 million are included in the Division's request for mandatory cost increases, largely for rent and salaries.

Now, let me briefly describe our antitrust enforcement activities, and their intended direction for 1992 and beyond.

CRIMINAL ENFORCEMENT

Criminal antitrust enforcement continues to be of major importance to the Antitrust Division, with deterrence its predominant theme. The Division is taking every measure to identify, vigorously prosecute, and severely punish criminal antitrust violators.

The foundation of deterrence is tough and successful criminal enforcement. Division emphasis on vigorous investigation and prosecution of price fixing, bid rigging, market division and other variants of cartel behavior continues aggressively. Overall, during 1990, the Division filed 75 criminal cases involving 88 corporations and 72 individuals. As a result of these cases and others filed in previous fiscal years, in 1990 the Antitrust Division recovered over \$29 million in fines and settlements from criminal cases. Sentences in 1990 included 10,653 jail days, over 29 years, of which 2,739 jail days or 7.5 years, will be served.

The Division's criminal enforcement program is wide-ranging. One major focus continues to be an intensive probe of bid rigging and price fixing in connection with government procurement. Currently, 21 of the Division's 147

open grand jury investigations involve government procurement. According to an internal survey of available data, antitrust enforcement saves the Federal Government hundreds of millions of dollars annually. This is a very favorable return on the investment of taxpayer dollars in the Division's budget.

Congressional support of our efforts to deter criminal antitrust violations and assistance in this regard are invaluable. Recently passed legislation, advocated by the Department, has improved the nation's antitrust laws substantially. The legislation included an increase in the maximum fine to \$10 million for price fixing and bid rigging by corporations, and treble damages to the United States when it is injured by price fixing or bid rigging.

For 1992, the Division is requesting a minimal increase of \$200,000, two workyears and five positions to strengthen our criminal antitrust enforcement program.

MERGER ENFORCEMENT

Enforcement of the antitrust laws against anticompetitive mergers also continues to be one of the Division's major priorities. It is vitally important, both to competition at home and competitiveness in international markets, that mergers that may raise prices or reduce innovation and output not occur. At the same time, mergers that enhance competition and efficiency should not be stifled needlessly.

The Antitrust Division devotes substantial resources to preliminary screening and evaluation of the many premerger notifications filed with the Department pursuant to the Hart-Scott-Rodino Act. Currently, the Division reviews an average of 150 notifications each month. Working with the Federal Trade Commission, we thoroughly investigate any reported transaction that may threaten competition. We also investigate mergers and acquisitions not reportable under the Hart-Scott-Rodino Act on our own initiative or on the basis of third-party complaints.

In 1990, the Division doubled the number of merger actions filed in District Court, and I am told that this was the highest number of merger filings in a year since 1973. The number of merger cases filed does not fully reflect the benefits of our enforcement efforts. In addition to the litigated cases, many potentially anticompetitive mergers are abandoned or restructured by the parties to eliminate competitive problems after Division concerns are raised. The Division filed 11 cases last year, compared to five in 1989. Six additional transactions were restructured or abandoned prior to the Division filing a complaint, compared to four in 1989, and five more transactions were restructured or abandoned in 1990 before the Division reached a decision.

The Division's merger docket remains full, and we expect it to stay that way. Currently, investigations of the likely

competitive effects of some 27 proposed mergers are underway, and several challenged merger transactions are in litigation.

OTHER ENFORCEMENT PRIORITIES

The Antitrust Division will continue to devote increased attention to promoting competition in recently deregulated industries. Antitrust enforcement results in benefits that are not available from intrusive government regulation. Strong antitrust enforcement will benefit consumers, encourage innovation, and enhance quality and output at competitive prices.

Air transportation is a good example of a recently deregulated industry in which competition and antitrust enforcement are crucial. Consolidations and asset acquisitions among airlines require vigilant monitoring. The Division identifies and opposes anticompetitive transactions, while avoiding disruption to legitimate business activities. Results were recently apparent very close to home when the Division opposed the sale to United Airlines of certain Eastern Airlines slots and gates at the Washington National Airport. The sale would have lessened competition in the provision of passenger service between Washington, D.C., and other U.S. cities. After the Division raised its competitive concerns, United withdrew from the transaction, and the sale was concluded on a more competitive basis to Northwest Airlines, which matched United's bid.

In addition, since assuming oversight responsibility in 1989 for the airline industry, the Division has successfully opposed: the transfer of other scarce airport facilities that could have increased air carrier dominance in a "hub" airport; the transfer of international route authorities that could have substantially increased concentration in international air transportation markets; and the anticompetitive merger of two major airline computer reservation systems. Public concern with the future of competition in air transportation remains strong, and the Division will continue to monitor the industry accordingly.

With respect to industries that remain under government regulation, the Division intends to continue its role as a competition advocate. Despite increasing recognition of the benefits of competition generally, some industries continue to engage in anticompetitive practices, possibly sanctioned by obsolete or ineffective regulatory schemes. The Division makes every effort to optimize the use of its resources to identify such practices and advocate corrective measures.

A recent major accomplishment resulting in a substantial penalty is the agreement of U.S. West, Incorporated, to pay a \$10 million civil penalty for violating the AT&T consent decree, which divested AT&T of the Bell Operating Companies and set out specific provisions under which the newly-independent Bell companies could operate. This is the largest fine ever

obtained by the Antitrust Division from a contempt case, as well as the largest single fine ever obtained from a single defendant, and the Division anticipates that such penalties will serve to deter others.

The Division continues to give attention to areas in which antitrust scrutiny historically has been somewhat limited. Health care is a case in point. We are focusing on protecting the emergence of competitive alternative systems for the delivery of health care services--such as health maintenance organizations and preferred provider organizations (PPOs).

INTERNATIONAL POLICY

Among the more important issues facing the Division now and in the future is the establishment and preservation of equitable trade policies among the world's competitors. A prominent recent example is the Structural Impediments Initiative (SII), bilateral talks to identify and solve structural problems in both the United States and Japan that stand as impediments to trade and balance-of-payment adjustments. The Division is a member of the core negotiating team in these talks with respect to exclusionary practices and enforcement of the anti-monopoly act in Japan.

As political and economic change has accelerated in Eastern Europe, government officials in the newly-democratic countries have sought the Division's expert advice on competition policy

matters, including privatization and demonopolization. In response to these requests, Division representatives, in conjunction with the Federal Trade Commission, have been actively consulting with senior government officials in Hungary, Poland, Czechoslovakia, Bulgaria, the Soviet Union and several of its constituent republics, and other countries on the formation of free market economies and the development of effective competition enforcement regimes. The results of such work will no doubt affect trade well into the next century, making it significantly important that it be handled effectively. In order to manage this escalating international workload, the Division is requesting two positions, one workyear, and \$89,000 for 1992.

Mr. Chairman, this concludes my prepared remarks. I express again our appreciation of the Subcommittee's support and would be happy to address any questions that you or the other members may have.

MERGER ENFORCEMENT

Mr. EARLY. Mr. Rill, it used to be that, antitrust was more or less the sacred cow of the Justice Department. I think the Administration really did get off track for several years. I'm happy to hear you statement regarding mergers, which you have evidently moved us back on track.

You have doubled your challenges on mergers. Those are violations that, if your division doesn't do it, no one is going to do it. So, I'm really pleased with that. I sense from the tone of your statement that you are pleased with the increased aggressiveness that you are doing with regard to mergers.

Mr. RILL. I think, Mr. Chairman, that we have now in place a strong, rational merger-enforcement program. I hesitate to rely on a numbers game to judge performance. From what I've seen, from what I've understood in contact with the legal and business community, there is a realization that the Antitrust Division is on the job. There is a realization that horizontal mergers that raise significant competitive questions are going to be given a very close look by us and be challenged where we conclude that there is a substantial possibility of anti-competitive results.

FINES, PENALTIES, AND JUDGEMENTS

Mr. EARLY. I really think that is your role. Again, on your top priorities, criminal enforcement with regard to the Sherman Act, more criminal cases were being brought. I got the impression that there were an awful lot pending that maybe should be brought. For whatever reason, you are not bringing them.

I mean, you cited two recoveries, one of \$30 million and one of \$6 million. Is that the total recovery from the criminal enforcement?

Mr. RILL. We have recoveries in a number of cases and we can supply this to the Committee, Mr. Chairman.

I cited a \$7 million approximate recovery in the school milk bid rigging cases in Florida. There are a variety of other smaller recoveries. Those are the largest criminal recoveries we obtained during 1990.

Mr. EARLY. Was that \$7 million included in the \$30 million?

Mr. RILL. That was included in the approximate \$30 million total recovery. The \$30 million was against another several dozen additional defendants.

POTENTIAL CRIMINAL CASES

Mr. EARLY. How many cases are out there that aren't being pursued as aggressively as you would like to, Mr. Rill, because of a lack of funds?

Mr. RILL. I can only say that, in a year-end review, we received information from one of our field offices, at the low point of our funding—they are building back up again now, thanks to the support from the Department, the OMB and the Congress—but at the low point of our funding, it was viewed that a very substantial number of additional cases could be brought with greater personnel.

DECLINE IN MERGER FILINGS, INCREASE IN WORKLOAD

Mr. EARLY. I appreciate your comment with regard to cooperation, you are pursuing with regard to State AGs. I mean, that's how it should work.

Let me ask you specifically, your 1991 funding assumes that you will collect \$20 million in Hart-Scott-Rodino fees, but holds your appropriation blameless should you fail to collect that amount. I heard you say that you will be short of \$15 million in 1991?

Mr. RILL. That's right.

Mr. EARLY. Is there any reason for that?

Mr. RILL. I think that the economy is partly attributable to a falling-off of merger activity. I think before that there was a substantial lack or decline in interest in the funding of transactions by high yield bond instruments. These declines largely involved merger and acquisition transactions that were financial rather than strategic. So, the fact that they have fallen off doesn't indicate that we would have a declining workload.

The fact is, based on our investigations and our cases, the types of transactions that involve actual asset acquisitions, acquisitions of assets of one competitor by another, have maintained a steady pace. One could anticipate that in an economy where a lot of companies may be highly leveraged and looking for ways to cure that financial position, they would be thinking of selling off some assets and may think that the best purchaser for those assets would be a competitor.

So, I think our workload will remain the same or increase while the actual number of merger filings declines. In other words, the declines are in the area where we would not have a particular competition interest, the steady or increasing workload would result from filings where we would have an interest.

FILING FEE COLLECTIONS

Mr. EARLY. On this collection, how does it compare to 1990?

Mr. RILL. I think we are looking at about the same.

Ms. WHALLEY. It looks like it will be a bit lower.

Mr. EARLY. What did you collect in 1990 that we should know about?

Ms. WHALLEY. In 1990, we collected about \$13.5 million but the filing fee didn't go into effect for the first two months. So, if you were to put in what we would have collected had the filing fee been effective from the beginning, I think our collections would have been around \$16 million. It appears that it will be even lower this year. The war has obviously had some effect on the economy and it may well pick up again now and come back up to \$15 million. It looks right now, however, if it stays on the same trend, that will be down below \$15 million.

Mr. EARLY. What do you anticipate for 1992?

Ms. WHALLEY. It is very difficult to predict.

One of the problems that we have had with this means of funding is the number of mergers is so dependent on unpredictable facts like a Middle Eastern war or changes in junk-bond financing or other things that are driving the economy.

I think it is very difficult to predict, but it's highly unlikely, I think, that it would come back up to where it was two years ago. We'd like to hope it would stay at current levels, but we can't even be assured of that.

ENFORCEMENT POTENTIAL

Mr. EARLY. With the net program increase of only \$600,000, there isn't a lot of outreach that you're going to be able to do, is there, Mr. Rill?

Mr. RILL. Well, I think if we get the assured dependency on the direct appropriation to give us some safeguard against the dropoff in filing fees, we will have a Division personnel total that will be approximately 600, slightly more than 600 FTE. That will be the first substantial increase, perhaps the first increase of any kind in a decade. That will be a very substantial increase. I think what I would like to do is, with that support, see what we can do at that level. At the time that I got the information that I did from our field office, we were down close to an all-time low of about 500. So, if we can get up to 600, then I think it will give us a fair appraisal, give us an opportunity fairly to appraise the work we can do.

Mr. EARLY. Is your FY 1991 caseload what you thought it would be when you developed your FY 1992 budget?

Mr. RILL. Well, the caseload in 1990 was not, the criminal caseload was slightly down from 1989. That could be attributable to a variety of factors, one of which could be inadequate numbers of people available to staff the Division. Going into that, we were declining to virtually an all time low in number of Division personnel.

To some extent, it goes in cycles. Two years earlier or three years earlier, the number of criminal cases filed were virtually at an all time high. We would like to maintain a very high level of criminal enforcement. We would like to see a caseload comparable to what it was in fiscal '88, fiscal '89, again, without being pinned too much to a numbers-based performance.

The merger caseload in 1990 was quite high. As I indicated, I have been told—I haven't verified this—it's higher than it's been at any time since 1973. I suspect with additional staffing and security from the vagaries of Hart-Scott-Rodino filings, we will be able to manage that load somewhat higher, again, depending on what is presented to us.

I would have to say that the staffing that we had throughout much of calendar 1990 was stretched to the absolute maximum. People working on government salaries, and I'm talking about career lawyers and economists and support personnel, were out there 60 hours a week trying to try cases.

In California, we were faced with the prospect of almost having to go on a day/night trial track.

Mr. EARLY. I think a lot of the abusers are well aware of that, Mr. Rill.

I just hope there is enough money in this budget for you to do what you are supposed to do by law.

Mr. RILL. I think if we obtain what we have requested, not to particularize any of it, but if we are protected particularly from the

uncertainties of Hart-Scott-Rodino filings and we are not forced to eat uncontrollable expense increases, we will be able to use the going-on-to-600 person staff and then review where we are at that time. If we need more people, we will ask for them.

I said when I took this job that I would review what we had and if we needed more, we would ask for it. And I did. I'll commit again to review after we have had an opportunity to see if the Congress is willing that we get it, the additional staffing. If we need more, we will ask for it again.

CLOSING REMARKS

Mr. EARLY. Fine.

With that, we want to thank you very much for your testimony and we will recess until two p.m.

Mr. RILL. Thank you very much, Mr. Chairman.

[Recess.]

[The following questions were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Antitrust Division

Syndication and Financial Interest Rules

QUESTION: Based on a letter dated March 13 from you to the Chairman of the Federal Communications Commission, the FCC removed consideration of Syndication and Financial Interest Rules from the agenda of its March 14 meeting.

How is the Department, particularly the Antitrust Division, involved in the consideration of the syndication and financial interest rules?

ANSWER: The Department of Justice, through the Antitrust Division, has been participating in the FCC's reconsideration of its television network financial interest and syndication rules since 1983. The Antitrust Division's interest in the current proceeding derives from the outstanding decrees entered in the Government's antitrust cases against the major television networks, which cover largely the same practices as the FCC's rules, as well as the Division's general efforts to advocate procompetitive solutions to regulatory problems before various federal agencies. The Department filed comments or reply comments in the current proceeding on June 14, 1990, October 5, 1990, December 21, 1990, and March 25, 1991.

Did the Department not have adequate opportunity to review and comment on the FCC's proposed rules prior to the March 14 meeting?

ANSWER: Although the Department and other interested parties had submitted comments over the course of the current proceeding, public reports prior to the scheduled March 14 meeting of the Commission suggested that it was prepared to vote on specific modifications to the existing financial interest and syndication rules. Unlike the procedural situation in every earlier phase of this proceeding, the particular Commission-proposed modification had not been subject to comment. It was for this reason that I expressed in my letter of March 13, 1991, the view that any new proposals should be released for public comment prior to the issuance of any Commission final order. After that letter was received by the Commission, four of the five commissioners released separate statements supporting the opportunity for public comment.

TUESDAY, MARCH 19, 1991.

OFFICE OF JUSTICE PROGRAMS

WITNESSES

JIMMY GURULE, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS

CLIFFORD J. WHITE III, DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS

PHYLLIS H. BLACK, DIRECTOR, BUDGET STAFF, OFFICE OF JUSTICE PROGRAMS

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

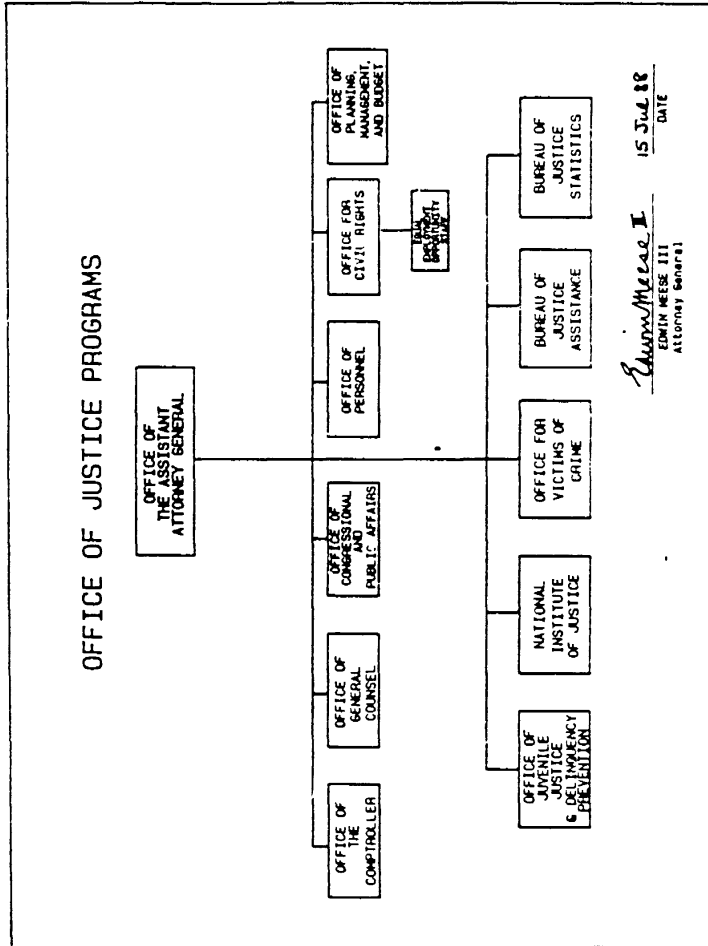
OFFICE OF JUSTICE PROGRAMS 1992 BUDGET

Mr. MOLLOHAN. The Committee will come to order. Continuing with our review of the Department of Justice, we will now hear testimony from the Office of Justice Programs.

The fiscal year 1992 request for Justice Assistance is \$579,335,000 and \$27,144,000 is requested for Public Safety Officers Benefits. We will insert in the record at this point the OJP's fiscal year 1992 budget justifications.

Department of Justice
 Office of Justice Programs
 Estimates for Fiscal Year 1992
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Office of Justice Programs

Justice Assistance

Summary Statement

Fiscal Year 1992

The Office of Justice Programs is requesting, for 1992, a total of \$579,335,000, 346 permanent positions, and 346 workyears. This request represents a decrease of \$60,844,000, eight positions, and eight workyears from the 1991 appropriation enacted.

Budget authority is requested for five missions: Research, Evaluation, and Demonstration programs, which conduct research into all aspects of the criminal justice system; Criminal Justice Statistical programs, which provide statistical information dealing with crime and the operation of the criminal justice system at all levels of government; Juvenile Justice program targeted at high risk youth; the Missing Children program, to combat the criminal and sexual exploitation of children; and the Anti-Drug Abuse program, which enhances State and local efforts to control drug use and drug-related crime and the improvement of the criminal justice system.

Research, Evaluation, and Demonstration Programs

The National Institute of Justice (NIJ) is a principal sponsor of research and development on crime and the criminal justice system in the United States. Its mandate includes broad responsibility for research aimed at improving crime control and crime prevention at the State and local levels of government, in addition to the Federal level. NIJ conducts: 1) a core research program directed at discovering the causes and control of crime and improvement of criminal justice system practices; 2) a development program designed to translate policy-relevant research findings into practical programs and policies for use by criminal justice agencies; 3) a forensics and criminal justice technology program to aid law enforcement in solving crime; 4) the world's largest national and international computerized information service for use by practitioners, policymakers, and researchers; and 5) a multi-media dissemination program to get important research findings and criminal justice program information to criminal justice officials and the academic community as soon as possible. The request of \$21,929,000 for 1992 continues the program at the 1991 level.

Criminal Justice Statistical Programs

The Bureau of Justice Statistics (BJS) is responsible for all of the major national statistical series and other sources of data concerning crime and criminal justice with the sole exception of the FBI's Uniform Crime Reports. The mission of the Bureau is twofold: to provide senior officials of the Justice Department, the White House, the Congress, the Judiciary, and the public with valid and timely justice data and analyses relevant to policy decisions; and to support the emerging capacity of State and local governments to use data as a cornerstone of their criminal justice programs. For 1992, an increase of \$950,000 is requested for two initiatives. An Intentional Injuries Statistical Series would be initiated at a cost of \$450,000 to address the problem of a lack of reliable information on the incidence of family violence, particularly child abuse. The National Electronic Injury Surveillance System (NEISS), which is a national representative sample of hospital emergency rooms, would be expanded to collect data on all intentional injuries that occur in the hospital emergency room sample. The second program enhancement of \$500,000 would allow BJS to conduct the Criminal Justice Expenditure and Employment (CJEE) Survey. One of the major uses of the CJEE survey is to identify the amount of State and local assistance formula grants that each State is required to pass through to local governments. In addition, it provides detailed information on the costs of the justice system, including police protection, courts, prosecution, public defense, and corrections. There is a critical need for policymakers at all levels of government to have accurate and current information on the costs of the justice system and to relate those costs to the impact on crime and drugs.

Emergency Assistance

This program offers a Federal response to situations of an emergency nature that exceed the capacity of local law enforcement resources. The legislation authorizes the provision of funds, equipment, training, intelligence information, and personnel to a State in the event of a law enforcement emergency. Historically, few applications are submitted for these funds. Since resources are still available from the 1990 appropriation, which was provided specifically to address needs arising from Hurricane Hugo and the earthquake in California, no funds are requested for this program in 1992.

Juvenile Justice Programs

Since 1975, this program has provided over \$1.2 billion dollars for State and local juvenile justice and delinquency programs. The major thrust of the program has been to attain deinstitutionalization of status offenders, the removal of juveniles from adult jails and lock-ups, and the separation of juvenile and adult offenders at the State and local levels, as well as to provide for programs in the areas of training, research, prevention, treatment and rehabilitation. Much has been accomplished in those seventeen years. For example, 51 States and Territories are in full compliance with the mandate to deinstitutionalize status offenders and non-offenders and 42 are in either full or substantial compliance with the requirement to remove juveniles from adult jails and lock-ups. Moreover, it is believed that the States currently participating in the program will continue to commit their resources to those programs that have proven successful. Accordingly, for 1992 we are proposing a program that is directed solely at high risk youth. The 1992 request is a decrease of \$64,552,000, which will leave \$7,500,000 to continue the High Risk Youth program. This program is directed at youth and teenagers who, because of certain characteristics or conditions, are especially likely to use illegal drugs and/or alcohol. It also focuses on preventing involvement in illegal drug use and trafficking, strengthening families, and mobilizing communities to implement comprehensive strategies for high risk youth. The Juvenile Justice and Delinquency Prevention Act specifically addresses such high risk youth factors as juvenile gangs, youth drug and alcohol use, weakened family structure, and school drop-outs. We are proposing that grant recipients contribute a hard cash match of 50 percent of total project costs to encourage State and local investments in this area. In addition, the Bureau of Justice Assistance plans to target \$15,000,000 of 1992 Anti-Drug Abuse discretionary funds to the OJJDP High Risk Youth program.

Missing Children

This program was first authorized and funded by Congress in 1985. Funds are used to combat the criminal and sexual exploitation of children by assisting families, citizen groups, law enforcement agencies and government institutions in a national effort to ensure the safety and protection of children. The 1992 request continues the Missing Children program at the 1991 level.

Maribel Cubans

Since 1985, Congress has appropriated almost \$35,000,000 to reimburse States for part of their costs of incarcerating Maribel Cubans who entered the United States in 1980 during the Maribel Cuban Boat Lift and have since been convicted of a felony offense. The 1992 budget proposes termination of this program, since it is not of sufficient priority to warrant a share of the limited funds that are available.

Regional Information Sharing System

This program provides funds to maintain six regionally based information sharing centers throughout the United States that service State and local law enforcement agencies in addressing major, multi-jurisdictional crimes. The program encourages and facilitates the rapid but controlled exchange and sharing of information pertaining to known or suspected criminal activity among State and local law enforcement agencies and enhances coordination and communication among agencies in pursuit of criminal activity determined to be multi-jurisdictional in nature. Funds also support LEVINUS, which is a consortium of twenty-eight agencies in nineteen States that focus

primarily on crime, particularly fraud, related to energy industries. In 1992, no funds are requested for the RISS program. Instead, it is proposed that funding in the amount of \$9,750,000 be provided from Anti-Drug Abuse funds, along with a gradual phase-out of Federal resources by requiring an increasing level of matching funds from the participating State and local agencies. The level of matching funds would begin at 25 percent in 1992 and be increased to 50 percent in 1993 and 75 percent in 1994. In 1995, no Federal funding would be provided. Insofar as State and local law enforcement agencies are the major beneficiaries of RISS it is appropriate that they share more equitably in its funding.

Anti-Drug Abuse Program

This program was first authorized by the Anti-Drug Abuse Act of 1986 to assist State and local governments in their drug control and enforcement efforts. Amendments to the program were enacted in the Anti-Drug Abuse Act of 1988 to incorporate efforts to improve functioning of the criminal justice system, with emphasis on violent crime. The program offers a comprehensive, coordinated approach to the nationwide drug problem. It enables State and local units of government to attack their drug control problems while also contributing to and supporting national drug control approaches, making them partners with the Federal government in the war on drugs. For example, hundreds of multijurisdictional task forces are supported with these funds. Because of the combined participation of Federal agencies, these task forces expand the nationwide ability to disrupt drug trafficking. The program also raises the quality of drug enforcement efforts by transferring new technologies and the training of State and local personnel in areas such as financial investigations, seizure and forfeiture of assets, and upgrading crime laboratories. These special skills are needed to apply new technologies and laws related to investigation, prosecution, punishment, and treatment of drug crimes and offenders. The 1992 request of \$490,000,000 continues the program at the 1991 level. However, the proposal provides for the earmarking of three projects, for which funding would come off the top of the requested amount. The FBI NCIC 2000 project would be allocated \$22,000,000; the National Institute of Corrections would be provided \$3,000,000 for training and technical assistance for State and local corrections officials; and \$9,750,000 would be allocated for the Regional Information Sharing System program. All of these items directly address State and local criminal justice priorities.

Management and Administration

This activity provides for the executive direction and control of the National Institute of Justice, the Bureau of Justice Statistics, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Justice Programs, as well as policy coordination and the full range of management responsibilities. The total request for 1992 is \$26,780,000, 346 positions, and 346 workyears, which is a net increase of \$19,000, and a decrease of 8 positions and 8 workyears from the 1991 base. The request includes a reduction of \$450,000, 9 positions, and 9 workyears for the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This sum represents the net effect of a decrease of 16 positions and 16 workyears for the phase-out of traditional Juvenile Justice programs, offset by the retention of 7 positions and 7 workyears that are needed to develop, implement, and administer the proposed High Risk Youth program. A program increase of \$495,000 is requested, representing that portion of the 1991 regular pay raise that was absorbed (\$333,000) and the amount absorbed for 1991 pay increases for Executive Level and SES employees (\$162,000). This increase will ensure that adequate resources are available to allow the continuation of financial and programmatic project monitoring, the provision of on-site technical assistance, and the printing of documents to be published and widely disseminated to decisionmakers throughout the criminal justice system. A program increase of \$94,000, one position, and one workyear is needed to support the Department's conversion to the U.S. Department of Agriculture Payroll/Personnel System.

Office of Justice Programs

Justice Assistance

Justification of Proposed Changes in Appropriation Language

The 1992 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Justice Assistance

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, [the following amounts are available for fiscal year 1991:]

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by [parts D and E] of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, [including salaries and expenses in connection therewith, \$475,000,000, to remain available until expended [as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340)], and in addition, \$17,000,000, to remain available until expended. [The amount available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, provided that notwithstanding any other provision of law, the amount shall not be available for the purpose of part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, by Public Law 100-690 (102 Stat. 4339), is hereby waived for fiscal year 1991 for grants awarded to state and local governments for the purpose of participating in the multi-jurisdictional drug task force].

[In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, \$75,300,000, to remain available until expended

Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

of which \$7,500,000 is provided for purposes set forth in sections 204, 243, 244, and 261 of the Juvenile Justice and Delinquency Prevention Act, notwithstanding the allocation and match provisions of sections 222, 261, 291, and 293 of such Act. Provided, That grants made under sections 204, 243, 244, and 261 of the Juvenile Justice and Delinquency Prevention Act may not be expended for more than 50 percent of the total approved project cost.

\$89,315,000

\$455,350,000

\$22,000,000

\$3,000,000 shall be available to the National Institute of Corrections for grants for technical assistance and training of State and local correctional personnel, and \$7,500,000 shall be available for National Information Sharing System grants, which shall not be expended for more than 75 percent of the total approved project cost. Provided, That funds available for the Edward Byrne Memorial State and Local Law Enforcement Assistance discretionary grant program may be used to match awards or other contracts or grants authorized by the Controlled Substances Act, as amended, in connection with the implementation of the program to assist States in the implementation of the program with the Federal Bureau of Investigation, notwithstanding section 510(a)(3)(B) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

as authorized by section 261(a), part D, of said Act (42 U.S.C. 3671(a)), of which \$1,500,000 is for expenses authorized by part D of title II of said Act.]

[In addition, \$4,963,000 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in state facilities for terms requiring incarceration for the full period October 1, 1990, through September 30, 1991, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: Provided, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1991, a listing of names of such Mariel Cubans incarcerated in their respective facilities: Provided further, That the Attorney General not later than April 1, 1991, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: Provided further, That the amount of reimbursements per prisoner per annum shall not exceed \$12,000.]

(Department of Justice Appropriations Act, 1991.)

Explanation of Changes

1. The first change clarifies references to authorizing legislation so that the appropriated amount will include all program and administrative funds that are provided in the Justice assistance account, with the exception of funds for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs and related projects. Proposed language will eliminate the need for reference to the Missing Children's Assistance Act.
2. The second change permits the use of \$7,500,000 for a Juvenile Justice High Risk Youth discretionary program and provides a 50 percent match requirement for the program.
3. The third change deletes reference to the authorizing legislation that established the Bureau of Justice Assistance (BJA). Funds to administer BJA programs are included in the first paragraph.
4. The fourth change allows the following uses of Anti-Drug Abuse funds: Makes funds available to the National Institute of Corrections to provide grants for technical assistance and training of State and local correctional personnel; allows funding of the Regional Information Sharing System grant program; allows funds to be used to carry out section 5301 of the Anti-Drug Abuse Act, as amended, which may cause convicted State and Federal drug offenders to be ineligible for certain Federal benefits; and permits funding of a program for those States with capital punishment statutes that need additional resources to litigate death penalty Federal habeas corpus petitions.

Office of Justice Programs
Justice Assistance
Consolidated FY 1991 Changes
(Dollars in thousands)

Activity/Program	1991 President's Budget Request		Congressional Appropriation Actions on 1991 Request		Reprogramming		1991 Appropriation	
	Zol.	FY Amount	Zol.	FY Amount	Zol.	FY Amount	Zol.	FY Amount
1. Research, Evaluation and Demonstration Programs...	...	\$24,524	...	-\$595	...	...	...	\$23,929
2. Criminal Justice Statistical Programs...	...	23,051	...	-956	...	...	...	22,095
3. Emergency Assistance...
4. Juvenile Justice Programs...	...	7,500	...	64,552	...	...	...	72,052
5. Missing Children...	...	7,971	...	...	...	...	...	7,971
6. Public Safety Officers' Benefits Program...
7. Mariel Cubans...	4,963	...	...	...	4,963
8. Crime Control Programs...
9. Regional Information Sharing System...	...	9,750	...	4,250	...	...	...	14,000
10. Anti-Drug Abuse Program...	...	490,000	...	...	...	...	...	490,000
11. Management and Administration...	345	24,718	9	9	...	...	354	25,168
Total...	345	587,515	9	9	72,664	...	354	660,179

Congressional Appropriation Actions. Funding was reduced by \$595,000 for Research, Evaluation and Demonstration programs and \$956,000 for Criminal Justice Statistical programs. Congress increased by \$64,552,000 the funding level for Juvenile Justice programs. Funding for the Mariel Cubans program was restored in the amount of \$4,963,000. Congressional action provided an increase of \$4,250,000 for the Regional Information Sharing System program. An increase of \$450,000 was provided for Management and Administration, which represented the restoration of positions and related costs associated with the Juvenile Justice program.

Office of Justice Programs

Justice Assistants

Summary of Requirements
(Dollars in thousands)

	1991 as Enacted		1992 Base		1992 Estimate		Increase/Decrease		Perm. Work-		Total
	Perm.	YF	Perm.	YF	Perm.	YF	Perm.	YF	Perm.	YF	
Adjustments to base:											
1991 as enacted.....	346	...	346	...	346	...	346	...	346	...	346
Mandatory increases.....	...	...	...	...	...	...	...	...	...	...	...
1992 base.....	346	...	346	...	346	...	346	...	346	...	346
Estimates by Budget Activity											
1. Research, Evaluation and Demonstration Program.....	...	...	...	...	...	...	...	...	...	...	...
2. Criminal Justice Statistical Program.....	...	...	...	...	...	...	...	...	...	...	...
3. Emergency Assistance.....	...	...	...	...	...	...	...	...	...	...	...
4. Juvenile Justice Program.....	...	...	...	...	...	...	...	...	...	...	...
5. Missing Children.....	...	...	...	...	...	...	...	...	...	...	...
6. Public Safety Officers' Benefits Program.....	...	...	...	...	...	...	...	...	...	...	...
7. Mariel Cubans.....	...	...	...	...	...	...	...	...	...	...	...
8. Crime Control Program.....	...	...	...	...	...	...	...	...	...	...	...
9. Regional Information Sharing System.....	...	...	...	...	...	...	...	...	...	...	...
10. Anti-Drug Abuse Program.....	...	...	...	...	...	...	...	...	...	...	...
11. Management and Administration.....	...	...	...	...	...	...	...	...	...	...	...
Total.....	346	...	346	...	346	...	346	...	346	...	346
BOY Employment:											
Full-time permanent.....	346	...	346	...	346	...	346	...	346	...	346
Other.....	...	...	...	...	...	...	...	...	...	...	...
Total.....	346	...	346	...	346	...	346	...	346	...	346

**Office of Justice Programs
Federal Bureau of Investigation
Bureau of Prisons
(dollars in thousands)**

	1970 As Enacted			1970 Actual			1971 Appropriation			1972 Estimate			Increase/Decrease		
	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX
Estimate by Bureau
Research, Evaluation and Administration Programs
Criminal Justice Statistical Programs
Emergency Assistance
Juvenile Justice Programs
Public Safety Officer's Benefits Program
Marital Counseling
Crime Control Programs
Regional Information Sharing System
Anti-Drug Abuse Program
Discretionary Grants
FBI NCIC 1969
Regional Information Sharing System
Regional Institute of Corrections
Subtotal
Management and Administration
Executive direction & control, BJS
Executive direction & control, BJA
Executive direction & control, OAC
Executive direction & control, OGC
Off program support services
Subtotal
Total
Other Workyears:
Overtime:
Other:
Total compensable workyears

* The distribution of workyears by office represents a projection; the FTE level for each office is currently being reviewed and analyzed in order to determine actual needs.

Office of Justice Programs
Justice Assistance
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Research, Evaluation and Demonstration Programs	1991 as Enacted		1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	NY	Perm.	NY	Perm.	NY	Perm.	NY
	FOEL	AMOUNT	FOEL	AMOUNT	FOEL	AMOUNT	FOEL	AMOUNT
Research, Evaluation, and Demonstration Programs.....	...	\$23,929	...	\$23,929	...	\$23,929	...	...
<p>Long-Range Goal: National Institute of Justice (NIJ) research and development (R & D) increases knowledge about the causes of crime and how it can be prevented or reduced through more effective, efficient, and equitable policies of the Nation's law enforcement and justice administration systems. Increased control of crime in American society is based on informed criminal justice policies resulting from R & D.</p>								

Major Objectives:

- To concentrate as its top priority the Institute's R & D program on reducing illegal drug use and the crime associated with drug use.
 - To implement the statutory mandate of the Anti-Drug Abuse Act of 1988 requiring the National Institute of Justice to conduct a reasonable number of program evaluations of the Bureau of Justice Assistance block and discretionary grant drug control programs.
 - To use research findings to prevent or reduce crime and mitigate its negative effects on victims.
 - To demonstrate the crime control effects of intermediate sanctions and increasing prison capacity.
 - To communicate research findings to policy officials, practitioners, and researchers through modern communications technology, including compact discs (CDs), videotapes, concise *Research in Brief* and *Research in Action* papers, a computerized national and international reference service, as well as through traditional media such as books and articles.
- Base Program Description:** Authorized by the Anti-Drug Abuse Act of 1988 (42 U.S.C. 3721), the National Institute of Justice is a primary source of support for criminal justice research and development. As a major resource for policy-relevant studies regarding crime and criminal justice in the United States, the Institute's programs are designed to improve society's ability to control crime and to assist criminal justice practitioners and policymakers in solving the most effective solutions to their crime problems. Institute-sponsored research products provide policymakers with a range of alternative strategies for improving their crime control efforts.
- The Institute's Program Plan annually outlines the policy issues to be addressed by Institute research and development activities. The Plan results from extensive consultation with Federal agencies, State and local governments, criminal justice professional associations, and academic researchers. The critical areas currently receiving priority attention include: controlling the supply of and demand for illegal drugs (with

emphasis on carrying out goals identified in the President's National Drug Control Strategy); reducing violent crime and apprehending the career criminal; investigating and prosecuting white collar and organized crime; expanding jail and prison capacity; identifying early predictors of criminal behavior; assisting victims of crime; involving communities and the private sector in controlling crime; demonstrating the effectiveness of criminal sanctions; prosecuting domestic violence and child abuse and curtailing future such violence; improving the effectiveness of the adjudication process; providing better and more cost effective methods for managing the criminal justice system; identifying the impact of probation and parole on subsequent criminal behavior and enhanced public safety; and disseminating research results to inform Federal, State, and local criminal justice policies.

Most of the Institute's research projects are implemented through grants, contracts, and cooperative agreements. The Institute has also established an in-house research capability to conduct short term studies on important topics of immediate policy-relevant interest. Researchers who work on Institute-funded projects are selected primarily through a competitive solicitation process using peer review. On Institute projects, a staff program manager works closely with the researcher to ensure successful completion of the project and to feed project findings back into the planning process. The Institute's visiting fellowship program provides an opportunity for researchers, as well as qualified criminal justice practitioners, to undertake a study of their own design at the Institute, thereby providing an occasion for direct and sustained interaction between scholars, criminal justice practitioners, and Institute staff.

Based upon research and evaluation findings, analyses and program models are developed detailing the advantages and limitations of policy options in a given topic area. These products help practitioners decide which research-based innovations may be appropriate for their jurisdiction. Selected programs are field tested and evaluated to determine the likelihood of success if replicated and institutionalized by Federal, State and local government agencies, the private sector, or community organizations. National conferences also are conducted in selected areas to give senior officials up-to-date information on new programs or new research findings with significant implications for the management of their agencies.

As mandated by law, the Institute communicates policy-relevant information to the field through modern communications technology and provides a majority of funds to operate the National Criminal Justice Reference Service, the principal national and international clearinghouse for the exchange of information on criminal justice issues.

Accomplishments And Workload: Workload and productivity information for the National Institute of Justice is presented in the following table:

Item	Estimates	
	1991	1992
Program Solicitations Prepared.....	16	16
Policy Reports Prepared and Published.....	46	48
Private Science and Policy Journal Articles Derived from NIJ Research.....	65	60
Grant Research Proposals Received and Reviewed.....	450	502
In-House Policy Research Projects Planned and Conducted.....	15	17
Grant Close-outs Completed.....	110	110
Criminal Justice Data Collections Obtained.....	50	60
Applied Research Experiments/Demonstrations Initiated.....	14	15
Number of Technological Standards Developed for Law Enforcement Equipment Items.....	8	9

Item	Estimates	
	1991	1992
Major Regional and National Conferences Held.....	14	14
Conference Attendees.....	1,500	1,500
Number of Active Grants, Contracts, Cooperative Agreements, and Interagency Agreements.....	195	200
Number of requests for criminal justice information answered by NCJRS.....	21,500	21,500

Following are recent major accomplishments of the National Institute of Justice:

MARCOTICS ENFORCEMENT AND PREVENTION: In response to the Administration and Congressional emphasis on controlling illegal drugs, NIJ has focused its R & D program on preventing narcotics abuse and assisting the criminal justice system in detecting and sanctioning users. The Institute's Program Plan, which announces national competitions for grant research funds, continues to have a cross-cutting emphasis on drug control. In addition, the President's Office of National Drug Control Policy's National Drug Control Strategy have informed and shaped the research agenda. ONDCP criminal justice priorities, such as street-level enforcement and community policing, increased prison construction, fighting new drugs like the methamphetamine "ice," promoting drug testing, and the use of intensive intermediate sanctions are being fleshed out with policy-relevant research to give officials better information with which to implement the Strategy. In 1989 NIJ reported to ONDCP that it spent \$9,973,000 on drug-related projects. In 1990 and 1991, NIJ is estimating spending of \$11,187,000 and \$13,446,000, respectively.

Drug Use Forecasting: An important product of the NIJ drug control effort is the Drug Use Forecasting (DUF) program, initiated in 1987, which is demonstrating a high rate of drug abuse among arrestees tested. DUF is also being used by policymakers to gain a more informed picture of the total drug use consumption pattern in the U.S. and is a valuable source of information complementing the National Institute of Drug Abuse's Household and High School Senior Surveys.

DUF is an information network for tracking actual levels and patterns of drug use among booked arrestees and may assist in predicting drug use trends in this population group in major urban areas. Funded in part by the Bureau of Justice Assistance, DUF is now operational in 24 cities. In each city, samples of 250-350 male and female booked arrestees are asked to provide, voluntarily and anonymously, answers to survey questions and a urine sample to be analyzed for drugs. New samples are collected every three months; an attempt is made to undersample from male booked arrestees accused of drug-related offenses, to examine the use of drugs by offenders involved in a wide variety of criminal activities. NIJ analyzes the data for participating cities to give local policymakers accurate information for carrying out drug prevention, education, control and treatment programs.

DUF Research. The DUF Research Advisory Committee currently is exploring ways to integrate DUF with other national indicators: NIDA's household survey, the high school seniors survey, DAWN, etc. The Committee is comprised of prominent researchers who are advising NIJ on methodology and sampling procedures. Local DUF sites also use the DUF information to conduct their own policy relevant research.

DUF Dissemination. The DUF program publishes and disseminates several products for practitioners and policymakers. These include, quarterly reports, annual reports, and numerous special analyses. DUF data for 1987, 1988, and 1989 have been achieved, and can be obtained as machine readable data sets.

The Bureau of Justice Assistance (BJA) has been contributing \$1 million of drug discretionary funds toward implementation of the DUF program. In 1992, the level of resources from BJA will be increased up to approximately \$1 million, which combined with NIJ's \$2 million from base resources, will allow expansion of the program. DUF may provide national estimates of drug use among booked arrestees, permit smaller cities and rural areas to measure booked arrestee drug use, and increase its assistance to jurisdictions in the operational and scientific aspects of drug testing. The expansion and direction of the program will depend upon the results of evaluation of the representatives of DUF data and the feasibility of using that data to provide national estimates of arrestee drug use, predict drug use trends, and for other purposes.

A Congressionally-mandated NIJ study of the impacts of national drug testing on State and local criminal justice will be completed in 1991. It will report to the President and the Congress on the issues raised by a national testing program. Further research is needed, however, to answer the many issues identified and to build on and significantly expand the scale of experimental efforts underway at the National Institute of Justice today on drug testing of offenders, improving drug testing technology, and monitoring national drug trends. In 1992, NIJ will commit \$500,000 to \$1,000,000 from base resources toward drug testing research activities that will complement the expanded Drugs and Crime Data Center and Clearinghouse, which is funded by the Bureau of Justice Assistance and administered by the Bureau of Justice Statistics.

LESS-THAN-LETHAL WEAPONS: During the past year, two compounds have been investigated for effectiveness and safe dosage rates. In order to establish baseline effective dose/lethal dose ratios, intravenous measures have been made. Some inhalation experiments have also been performed with mixed results. Efforts in this area are expected to continue throughout this fiscal year. Preliminary examinations of delivery systems have also been initiated. Efforts to ascertain the potential of alternate less-than-lethal systems will continue through the year.

DRUGS, ALCOHOL, AND CRIME RESEARCH PROGRAM: This program is supporting a broad spectrum of research pointed toward reducing illegal drug use and the crime associated with drug usage. In 1989 grants that were funded included: Modeling Drug Markets, Community Response to Crack, Impacts of Alternative Sanctions and Cost-Effectiveness of Urine Tests in Intensive Supervision of Probationers. Another major initiative is extensive research on the refinement of technology to introduce testing of hair to detect recent and past drug use. Urinalysis is inherently limited to a relatively narrow period detectability. Hair analysis, as a successful new method, would complement short-term urinalysis by enabling law enforcement agencies to expand the period of detectability from 2-3 days to many months, based on the length of hair tested. NIJ is conducting the research through a special agreement with the National Institute of Standards and Technology. Notably, the potential value of hair analysis was recognized in the President's National Drug Control Strategy.

EVALUATION OF ANTI-DRUG ABUSE ACT PROGRAMS: The Anti-Drug Abuse Act of 1988 called upon the National Institute of Justice to conduct a reasonable number of independent evaluations of the national discretionary and state formula programs operated by the Bureau of Justice Assistance (BJA). In 1989, BJA devoted \$2 million of Drug Discretionary funds to NIJ for this purpose. NIJ contributed an additional \$1.3 million, and funded 14 program evaluations. In 1990, BJA made available \$3 million to NIJ for this program and NIJ contributed over \$1 million. These funds provided for 19 evaluation grants and other projects. In 1992, NIJ's efforts toward evaluation of BJA's drug programs will be continued with the targeting of \$5 million from BJA's discretionary funds, along with \$2 million from NIJ's base resources.

CONGRESSIONAL OR OMB-MANDATED STUDIES: Pursuant to the 1989 Urgent Supplemental Appropriations Act, a grant was awarded to the University of South Carolina to study the disproportionate use of illegal drugs by blacks. Also, the conference report on H.R. 2991 provided that up to \$400,000 could be granted to the National Criminal Justice Association (NCJA) to study the fiscal and other impacts on states of implementing drug testing programs for targeted classes of arrestees, individuals in jails and prisons, and persons on conditions of supervised release. This grant was awarded on April 13, 1990. The conference report also provided \$200,000 for a study by the National Institute Against Prejudice and Violence (NIAPV) on prejudice and bigotry related crimes. NIJ conferred extensively with NIAPV in developing an appropriate study. NIJ awarded the grant in September, 1990.

WHITE COLLAR AND ORGANIZED CRIME: During 1989 and 1990, NIJ's expanded program of white collar and organized crime research completed a study of narcotics wholesalers and is currently finalizing guidelines to State and local enforcement agencies for initiating and improving programs to control these mid-level drug traffickers. A nearly-completed case study of the RICO trusteeship of Teaneck Local 560 in New Jersey is focusing special attention on union members' responses to the trusteeship and to the subsequent union elections. Findings of this research will have important implications for the 1991 elections of the International Brotherhood of Teamsters (IBT), required by the settlement of the Justice Department's RICO suit against the IBT. The Institute is also conducting research to improve police response to Asian organized crime and to increase Asian communities' cooperation with law enforcement to prevent their victimization by these gangs. The Institute is also conducting research on organized crime involvement in toxic waste disposal which will produce recommendations for effective regulatory and law enforcement strategies for eliminating corruption from these industries.

PUBLICATIONS: During 1990, NIJ produced 35 new documents on major criminal justice issues. Included in this total were 5 "Research in Briefs" and "Research in Actions" addressing drug-related issues, 6 Technology Assessment Program Standards and Technical Reports, "Perspectives on Policing" paper from the Executive Session on Policing co-sponsored by NIJ and Harvard University's John F. Kennedy School of Government, and 7 Issues and Practices reports. In addition, 22 titles were reprinted during the year to meet continuing demands for copies.

At least 9 articles were written by NIJ staff and published by private journals in 1990. These articles represent a new emphasis placed on in-house research by NIJ.

AIDS: NIJ's AIDS and Criminal Justice Program, which includes an AIDS Clearinghouse, responds to the serious management and policy issues posed by HIV infection/AIDS for criminal justice practitioners. Working with the Centers for Disease Control, the Institute has undertaken extensive work in this area including publication of the following widely disseminated reports: AIDS in Correctional Facilities, AIDS and the Law Enforcement Officer, and AIDS in Probation and Parole. These reports summarize current medical information; review HIV/AIDS policies and procedures with regard to corrections, law enforcement and community corrections, respectively; discuss policy options available to administrators; and provide recommendations for and documentation of agency operational and training programs, including a discussion of key legal and labor relations issues. In 1989, NIJ co-sponsored the "AIDS and The Courts" conference, along with the State Justice Institute, to educate members of the judiciary on the impact of AIDS. Also in 1989, with funding support from the National Institute on Drug Abuse, NIJ initiated a three-year research demonstration and evaluation project designed to develop, test, and evaluate the effectiveness of various HIV/AIDS education strategies for arrestees held less than 48 hours in jail booking facilities and lockups.

NATIONAL PROGRAM ON HUMAN DEVELOPMENT AND CRIMINAL BEHAVIOR: NIJ and the John D. and Catherine T. MacArthur Foundation are supporting this Program. The Program is undertaking a massive analysis of data to be taken from observations of very young children, adolescents (at the onset of delinquency), and high-risk young adults which, through the most sophisticated research design in the social sciences, hopes to discover the effectiveness of certain interventions in the evolution of criminal careers. The basic research design is a longitudinal cohort study one. The MacArthur Foundation this year continued its support of the Program with a \$3 million, multi-year grant; the Institute's 1990 grant was \$1.2 million. The Harvard University School of Public Health is the grantee. This research anticipates forming more effective public policies to prevent and control emerging delinquent and criminal behavior.

FORENSICS AND CRIMINAL JUSTICE TECHNOLOGY: NIJ forensic research is focusing on improving the analysis of evidence for identification of suspects through new DNA typing techniques which examine hair, bone, and various body fluid samples. This research is developing standards for DNA typing procedures, testing various environmental factors that adversely affect DNA samples, and has expanded testing of alternative DNA specimen collection and processing systems. Other significant NIJ research in this area includes development and testing of computer modeling procedures that are used for enhancing and restoring blurred surveillance photographs to identify a suspect.

PUBLIC SAFETY AND SECURITY: Research is supporting the development and evaluation of two new policing philosophies -- community policing and problem oriented policing. These philosophies create community/police partnerships and focus police resources on the more fundamental causes of crime. Research is also trying to increase the cooperation between public law enforcement and the private security industry with hopes of creating greater resource efficiencies. Evaluations of community policing experiments continue in the communities of Houston, Texas and Madison, Wisconsin. Research was recently completed on a community policing project in Seattle, Washington. Assessments will soon begin on eight new community policing projects in Hayward, California, Houston, Texas, Louisville, Kentucky, New York, New York, Norfolk, Virginia, Portland, Oregon, Prince George's County, Maryland, and Tampa, Arizona. Evaluations of grass root community responses to drug abuse are also taking place in Oakland, Bronx, Cleveland, Hartford, Houston, Chicago, and three sites in the State of Iowa.

VICTIMS OF CRIME: Prosecutors played an important role in what affect victim impact statements had on court processes and outcomes. A research project will improve estimates of the incidence, cost, and consequences of criminal victimization in the United States over the victim's lifetime. This research will strengthen our estimates of the true savings that accrue from CJIS expenditures, because of avoided victimizations during the period of the offender's incapacitation. The NIJ staff published four articles on several topics in 1990-91.

SCHOOL CRIME: Developed as a cooperative research and demonstration program with funding support from the U.S. Department of Education, the School Management and Resource Teams (SMART) program was initiated in 1983. The program has been implemented in more than 80 schools nationally and has enabled administrators to reduce crime and disciplinary problems. In 1988 and 1989, the Institute received \$300,000 from the Office of the Secretary of the Department of Education to sponsor drug abuse education and prevention activities through SMART. These activities are currently underway in Anaheim, CA; Milwaukee, WI; Prince George's County, MD; and 5 pilot schools in Washington, D.C.. The program was implemented in the Norfolk, VA, school system in September 1990.

VIOLENT CRIME: NIJ has contributed \$600,000 for a National Academy of Sciences panel on the understanding and control of violent criminality. The interdisciplinary panel will synthesize and critique the body of social, behavioral, and physiological research in the most prestigious and rigorous scientific evaluation of knowledge about violence since the 1967 President's Commission on Violence. While NIJ is the principal sponsor, given that much of the research on criminal violence was supported by NIJ funding, the National Science Foundation and the Centers for Disease Control have also made substantial contributions to the project. Recently completed research in eight jurisdictions evaluating a violence prevention education curriculum found that exposure to the curriculum had a positive impact on the attitudes and self reported violent behavior of an identifiable high risk subset of the sample involved in the test.

FAMILY VIOLENCE: NIJ is continuing support for multi-site experimental investigations on what works best to stop family violence. Field experiments have been completed in 3 of 6 jurisdictions to test the effectiveness of arrest in spouse assault cases in comparison to other police responses such as the use of protection orders, batter counseling, and victim outreach services. The three experiments found that the arrest sanction did not deter subsequent spousal violence compared to other treatments. In addition, findings from a recently completed NIJ supported study, using official records, on the intergenerational transmission of violence indicated, surprisingly, that while being abused or neglected as a child is not a significant predictor of becoming a child abuser as an adult, it does have implications for future delinquency and adult criminal behavior. A follow up study consisting of interviews with both abused and control subjects is being conducted to determine the actual extent of child abuse in both groups, to examine other positive and negative outcomes for abused children, and to identify protective factors in the abused sample that prevent subsequent criminality.

SHOCK INCARCERATION (SI): A recent intermediate sanction being adopted by many correctional jurisdictions is shock incarceration. In these programs young, non-violent offenders spend a short period of time in prison in an atmosphere emphasizing discipline, physical training, and

exercise. NIJ has sponsored research to examine the effectiveness of these programs in reaching their stated goals of reducing overcrowding at the system level and diminishing recidivism at the individual level. Seven SI programs are currently being evaluated by NIJ.

ELECTRONIC MONITORING OF OFFENDERS: NIJ sponsored surveys of State and local programs utilizing electronic monitors in 1987 and 1988 revealed a 300% increase in their use for offenders both pretrial and after conviction. Field experiments evaluating the feasibility and effectiveness of house arrest programs using electronic monitors are currently underway in San Diego, Indianapolis, and Oklahoma.

NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE (NCJRS): NIJ is the primary financial sponsor of NCJRS, the largest national and international information center on criminal justice policy and issues. Over 2.7 million documents were distributed to practitioners and researchers in 1990. NCJRS also operates a fee-for-service (FFS) program and uses the net income from sales to offset operating expenses. FFS is mandated by OMB policy: in NIJ's case, NCJRS charges for documents and services and products that are in demand but which NIJ has insufficient funds to produce. Income in 1990 totaled over 375,000, with 400,000 projected for 1991.

Activity: Criminal Justice Statistical Programs

	1991 As Enacted			1992 Base			1992 Estimate			Increase/Decrease	
	Perma.	Pos.	WY.	Perma.	Pos.	WY.	Perma.	Pos.	WY.	Perma.	WY.
Criminal Justice Statistical Programs.....	\$22,095	...	...	\$22,205	...	...	\$23,155	...	\$950

Long-Range Goal: To assist policy and decision makers at the Federal, State and local levels of government by providing for the collection, analysis, publication and dissemination of comprehensive and accurate statistical information concerning crime and the operation of this Nation's criminal justice systems.

Major Objectives:

To collect, analyze, publish and disseminate statistical information on crime and the operation of justice systems to the President, the Congress, the Department, State and local executives and officials, the media and the public.

To maintain and develop an analytic program which will address the implications of national criminal justice statistics for Departmental policy and legislative initiatives.

To recommend national standards for justice statistics and to ensure the interstate comparability, reliability and validity of justice statistics.

To conduct, support and implement recommendations from evaluations to improve the quality of justice statistics.

To encourage the development, maintenance, and utilization of State and local governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics.

To ensure compliance with requirements relating to confidentiality and security of data

Data Program Description: The Bureau of Justice Statistics (BJS) is an independent and objective national center which provides basic information on crime and the operation of the criminal justice system to the President, the Congress, the Judiciary, State and local governments, the general public, and the media. Additionally, BJS supports the developing capacity of State and local governments to use data as a cornerstone of their criminal justice programs. In meeting its statutory mandate, BJS maintains 24 statistical series, including the National Crime Survey, Expenditure and Employment Series, National Judicial Reporting Program, Prosecution of Felony Arrests, Law Enforcement Management and Administrative Statistics, Federal Release Statistics, National Recidivism Reports, National Prisoner Statistics, Annual Jail Survey, Uniform Parole Reports, National Probation Reports, Quinquennial Jail Census, Federal Criminal Justice Statistics, State Criminal Justice Statistics, Capital Punishment, Quinquennial Prison Census, and Quinquennial Prison Inmate Survey. BJS also publishes a regular series of bulletins and special reports which disseminate data from the series.

The National Crime Victimization Survey (NCVS), the largest BJS series, is the Nation's principal source of information on crime victimization and the victims of crime and the third largest survey conducted by the Federal Government. Under the NCVS program, interviews are conducted with 100,000 persons in 50,000 households in order to obtain data on the impact, frequency and consequences of criminal victimization in the United States. The survey publication program includes: yearly trends in victimization, crime in the Nation's households, and special reports on topical issues such as teenage victims, crime and the elderly, and the impact of particular crimes, i.e., rape, robbery, and burglary. The BJS corrections statistics program provides systematic information on correctional populations and facilities gathered from Federal, State, and local governments, and covers the major sub-units of the corrections system -- probation, jails, prisons, and parole. The overall program consists of five components: (1) annual National Probation Reports; (2) annual Probation and Parole Reports; (3) annual National Prisoner Statistics; (4) annual counts and characteristics of persons sentenced to death; and (5) quinquennial censuses of State and local correctional facilities and surveys of national samples of prison and jail inmates.

The Bureau's adjudication statistical programs provide support and technical assistance to award recipients who undertake major data collection efforts designed to give BJS, researchers, and policymaking officials representative statistics on felony prosecution, criminal defense, and felony court caseload. A major part of the adjudication statistical series is the National Judicial Reporting Program (NJRP). This program provides national data on judicial sentencing practices for persons convicted of a felony in State trial courts. Data are provided on the number and characteristics of convicted felons; the crimes for which they have been convicted, and the range of sentences they receive.

The BJS Federal Statistics program collects and analyzes data describing the prosecution, adjudication, sentencing and correctional status of Federal offenders. The data, which are collected from the Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, Bureau of Prisons, and Parole Commission, are linked in a Federal Integrated Database to permit the analysis of offenders as they progress through the system. Reports addressing specific crimes and issues are released as is a compendium of data describing activity at the national and district levels during a given year. The data will be used to develop a simulation model of Federal case processing and are currently available for independent analysis at the National Archive of Criminal Justice Data at the University of Michigan.

Most criminal justice activities in the nation take place at the State and local levels of government. A primary objective and legislative mandate of BJS is to support the States in the accurate and timely collection, aggregation, and analysis of State-level criminal justice data. This objective is accomplished primarily through the support of Statistical Analysis Centers (SACs) which analyze and disseminate statistical information, coordinate State criminal justice statistical activities among State, county and city agencies, and provide improved State data for BJS analyses; support is also given to State UCR programs which compile and analyze local law enforcement data and forward it to the FBI. Through extensive Federal funding over the years, BJS has created SACs in 46 States, the District of Columbia, and three Territories and has supported the development of approximately 45 State-level UCR systems.

Accomplishments and Workload: Actual and estimated accomplishments of the Bureau of Justice Statistics (BJS) are presented in the following table:

Item	Estimates	
	1991	1992
Major statistical series perennially maintained.....	7	10
Major statistical series intermittently maintained.....	3	2
Other special data collections.....	5	4
Statistical and related reports prepared for BJS by grantees and contractors and published by BJS.....	8	22
State statistical projects supported.....	60*	85
Number of calls of computerized Bulletin Board.....	...	33,977
Number of requests for data sets and documentation filled by criminal justice data archives.....	1,789	1,900
Number of information and technical assistance requests filled under BJS supported programs.....	1,125	380**

* The actual number of UCR and competitive State grants funded in 1989 was 10 fewer than estimated in the 1990 Congressional budget because of the unexplained low response by the States to the program announcement issued in November 1988.

** Funding for Search Group, Inc. technical assistance shifted to computerized Bulletin Board.

*** Initial projections based on use of 3 toll-free telephone lines that have been discontinued.

Using the data collected, BJS published 34 reports, data releases, and user guides during FY 1990. These reports included seven Bulletins, which present in a non-technical format the latest statistics from BJS' data series on particular aspects of crime or the administration of justice; eight Special Reports, also written in non-technical language, which provide data on a topic of current public interest and policy debate; and one technical report. BJS Bulletins and Special Reports are accompanied by press releases which are given considerable coverage in the Nation's electronic and print media. BJS reports are frequently discussed in the editorial columns of American newspapers.

Section 6213 of the Anti-Drug Abuse Act of 1988 required the Attorney General to report to Congress by November 16, 1989 on a system for the immediate and accurate identification of felons who attempt to purchase firearms. A Task Force on Felon Identification in Firearms Sales was established to develop a range of options that would comply with the statute. The Acting Director of BJS served on the Task Force and BJS provided the primary staff support for the Task Force. The Task Force published its report to the Attorney General in October of 1989 which the Attorney General forwarded to Congress in November. This report identifies the scope of the problem and presents a range of options in two basic categories: point-of-sale approval systems and prior approval systems. The Report examines the advantages and disadvantages of the various systems and associated costs. The Report discusses implementation issues such as the quality of felon conviction data and available technology as well as the legal and policy issues involved in establishing a felon identification system. Finally, the Report contains a variety of supplementary information such as current practices in firearm sales on the Federal level and in various States.

Section 6213 of the Anti-Drug Abuse Act of 1988 also required the Attorney General to report to Congress by May 18, 1990, on the feasibility of a system for immediate and accurate identification of persons, other than felons, who attempt to purchase for more firearms but are ineligible to purchase firearms by reason of section 922(g) of Title 18, U.S. Code. A contract was awarded in July 1989 ENFORTE Corp. of Cambridge, Massachusetts to conduct the study. The study entitled, Identifying Persons Other Than Felons Ineligible to Purchase Firearms: A Feasibility Study, identifies three steps that would greatly facilitate the implementation of a national firearms eligibility verification system at some future date. First, the disability categories in the Gun Control Act should be reassessed in light of the definitional problems. Second, programs aimed at improving the quality of the databases described in the report could be initiated. Third, the Federal Government, perhaps by developing and promulgating model legislation, could encourage the States to adopt consistent firearm related statutes and perhaps similar verification procedures.

Section 4 of The Federal Energy Management Improvement Act of 1988 directed the Bureau of Justice Statistics to conduct a study of the criminal misuse of toy, look-alike and imitation firearms, based on an examination of police reports. BJS contracted for the work to be done in June 1989. The final report, released in June 1990, gathered information from 458 police departments and sheriffs' agencies on the number of criminal incidents involving toy guns between January 1985 and September 1989. Researchers also gathered information regarding the number of incidents in which persons employing imitation guns in non-criminal situations were killed or injured by law enforcement officers whereby the circumstances facing the officer appeared threatening and criminal.

The implementation of the National Crime Victimization Survey Redesign Project is proceeding on schedule. The revised screening questionnaire was implemented in 10% of the on-going sample beginning in January 1990. The new questionnaire includes an expansion of questions on the victims' use of self-protective measures, the addition of a question about drug use by offenders, and the addition of questions about the victims' contacts and experience with the criminal justice system. It is designed to improve respondents' ability to recall crimes, especially sensitive crimes such as family violence and rape. The new screening will continue to be phased into the sample in 1991-93. Recent reports from the NCVS program include: CRIMINAL VICTIMIZATION, 1988, October 1989, HISPANIC VICTIMS, January 1990, BLACK VICTIMS, April 1990, and HANDGUN USE IN CRIME, July 1990.

Through its International Statistics program, BJS participated with 13 other countries in the first international household survey of victimization. It conducted a study of victimization surveys of other countries over the last decade and the extent to which they are comparable to the National Crime Survey. It also conducted a study comparing time served in United States prisons to time served in prison in four other countries. BJS initiated two efforts to make crime statistics from other countries more widely available in the United States: 1) through the National Archive of Criminal Justice Data at the University of Michigan foreign universities and research centers have been contacted to obtain data tapes of crime and criminal justice studies that have been conducted in other countries; 2) through the National Criminal Justice Reference Service, a program has been established to collect annual statistical reports on crime and justice from statistical agencies in other countries, to translate those from non-English-speaking countries, and to make these available to American scholars and researchers.

In the fall of 1989, BJS consulted with experts in the fields of law enforcement and drug policy to obtain suggestions for revising the questionnaire for the second Law Enforcement Management and Administrative Statistics (LEMAS) survey. The new questionnaire was tested in 14 law enforcement agencies in the Washington, D.C. metropolitan area. A special section has been added on drug enforcement policies and procedures. The questionnaire was mailed to approximately 3,200 law enforcement agencies including State and local police, sheriffs, and special police in July 1990. The first report of the second survey covering 1990 is scheduled for release in the summer of 1991.

The first report from the National Pretrial Reporting Program, Felony Defendants in Large Urban Counties, was published in April 1990. The data for this report were collected from felony cases filed during February 1988 in 39 urban counties selected to represent the 75 largest urban counties in the United States. Demographic and criminal history information was collected on the defendants and their cases were tracked for one year to assess significant events in the pretrial release, adjudication, and sentencing phases of the criminal justice process. The survey was repeated in May 1990.

BJS has initiated an Urban Arrest Study in which New York and Florida have been chosen to participate. Criminal history files on a sample of approximately 30,000 persons arrested during 1987 or 1988 will be collected from these two States. In the first phase, a profile on all persons arrested for felony and misdemeanors will be completed. In a later phase, a sample will be drawn from two urban counties to examine those who committed serious crimes and their relationship to the corrections system at the time of arrest. Those cases where an individual was released before serving the maximum amount of incarceration time will be specifically examined to determine the incidence of crime that would have been avoided had the individual served a full sentence. Data processing began in the summer of 1990 with the first report scheduled for release in the spring of 1991.

In 1990, the Bureau's adjudication unit continued to develop and report on its new statistical series, the National Judicial Reporting Program (NJRP). In its initial phase, the NJRP recorded information on felony convictions in 1986. Reports from the series include: Profile of Felons Convicted in State Courts, 1986, which was published in January 1990, Felony Case Processing in State Courts, 1986, published in February 1990, and Felons Sentenced to Probation in State Courts, 1986 published in September 1990. The profile report provides, for the first time, national estimates of the race, age and sex of convicted felons. The case processing report provides national estimates of the number of felons convicted by trial or by guilty plea, the effect on sentences of the different conviction types, and the length of time required to convict and sentence felons. The probation report provides estimates of the number of persons convicted of a felony who are sentenced to probation, the likelihood of a probation sentence for different offenses, and detailed characteristics of probationers. Data collection for the 1988 NJRP was also completed during the first half of 1990. The 1988 NJRP was expanded to 300 jurisdictions (compared to 100 for 1986), and more detailed crime categories were used during data collection. The initial report Felony Sentences in State Courts, 1988, using the 1988 data was released in December 1990. It presents the number of people convicted of a felony offense in state courts nationwide in 1988 and the percentage of convicted felons sentenced to prison, jail, or probation. It also compares differences in sentences for felons convicted in 1985 and those convicted in 1988.

During 1990, the corrections program published a number of reports including: a report on prisoner counts for year-end 1989 and mid-year 1990; a report presenting sentencing and time-served information for inmates entering and leaving prisons; and reports covering the 2.5 million adults on probation and the more than 450,000 under parole supervision in the community. In addition, the corrections program completed and published results of its annual survey of populations under sentence of death and prepared a historical public use data-set covering all cases under sentence of death since 1971. Two major studies of jails were also completed: one focuses on the general characteristics of the nation's 3,316 local jails; and the second examines the spatial and social density of the nearly 137,000 housing units in these jails. The corrections program conducted a study of the victims of State prisoners which examined the prior relationships, age, race, and sex of those victimized by prisoners serving time for violence. BJS also compiled the annual volume, Correctional Institutions in the United States, 1988, providing detailed data on all facets of corrections. Finally, the 1990 Census of State and Federal Prisons was fielded on June 29, 1990 to collect facility information on each of the more than 1,300 prisons and publicly operated community-based facilities in operation.

The Federal Statistics program released the first Compendium of Federal Justice Statistics, 1984 in August 1989. In July 1990, the Compendium of Federal Justice Statistics, 1985 was also released. These reports trace the activity of the Federal criminal justice system nationally and at the district level. Federal Criminal Cases, 1980-87, released in July 1989 describes trends in case processing between 1980 and 1987.

Immigration Case Processing was released in August 1990 which describes trends in immigration case processing. A state-of-the-art survey of simulation models for the Federal system is now being conducted. Results of this survey will be used for the development of such a model.

During 1990, major efforts were undertaken under the information policy program in the area of data quality. BJS funded a review of State criminal justice data systems and state audit experiences and conducted a national workshop on audit practices. A comprehensive 50-state survey of criminal history record systems was also conducted and a major report describing findings of the survey will be released in the spring of 1991. The survey describes the status of state criminal justice record systems with particular emphasis on the extent to which records in such systems are complete and automated. BJS also provided support for the planning and design of a task force with members of the judiciary for the purpose of increasing the level of disposition reporting. This task force met in December 1990. BJS reports from the information policy program that have been released include: Criminal Justice in the 1990's, released in April 1990 which is a document discussing the proceedings of a national conference on criminal justice data policy in the 1990's; Juvenile and Adult Records: One System, One Record? released in January, 1990 which discusses the status of juvenile records and their interfaces with the adult criminal justice system; an updated Compendium of State Privacy and Security Legislation released in April 1990; and other reports which analyzed the impact of open record statutes and recent Supreme Court decisions on criminal justice data system operation. In recognition of the importance of identification for record accuracy, BJS prepared a report analyzing the technical and policy implications associated with various alternative methods of positive identification and also sponsored a conference on automated fingerprint identification.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	YX Amount	Perm.	YX Amount	Perm.	YX Amount
Criminal Justice Statistical Programs.....	...	\$72,205	...	\$23,155	...	\$950

Intentional Injuries Series

An increase of \$450,000 is requested to establish an ongoing statistical series to measure intentional injuries with a focus on obtaining a measure of the incidence of family violence serious enough to result in a visit to a hospital emergency room. BJS would collect data from the National Electronic Injury Surveillance System (NEISS) which is a national representative sample of hospital emergency rooms used by the Consumer Product Safety Commission (CPSC) to monitor consumer product related injuries and deaths.

The funding being requested will be used to expand the NEISS system to collect data on all intentional or possibly intentional injuries which occur in the hospital emergency room sample. Intentional injury is defined as all incidents of violence where an individual other than the patient is involved. Extensive training will be given to data coders to capture this data and to follow established guidelines and criteria in the use of the "possibly intentional" code for cases that suggest any possibility of family violence or child abuse whether or not they have been officially classified as such. As in all BJS data, identifiers will be stripped from the data to maintain strict confidentiality. Data will be obtained on the victim-offender relationship, on demographic characteristics available on the medical form (age, race, marital status), on the severity of the injury, the weapons used (if any), whether anyone involved in the incident was under the influence of drugs or alcohol, and a text summary giving a several sentence description of the event. In September 1989, BJS conducted a successful pretest on half the NEISS sample. The pretest indicated that with additional training and instruction for coders and emergency room staff, an operational system would be feasible. BJS will collect and analyze the data on an annual basis to develop national estimates on the extent of family violence, child abuse and other possible intentional injury serious enough to result in an emergency room visit.

At the increased level of funding, BJS will be able to address the problem of the lack of reliable information on the incidence of family violence, particularly child abuse. Existing estimates of the prevalence of family violence vary widely. Congress and State and local policymakers are in critical need of reliable information to determine policy and establish programs to combat this problem.

BJS will collect and analyze the data on an annual basis to develop national estimates on the extent of family violence, child abuse and other possible intentional injury serious enough to result in an emergency room visit. The findings will be published in a yearly BJS report along with estimates of family violence obtained from the new National Crime Survey screening questions which ask specific questions about family violence. This will be the first national data collection program on family violence designed to develop annual statistics using standardized methods which can be compared on a year-to-year basis. Although this new program will not measure all family violence and child abuse, it will measure the incidence of cases that come to the attention of an emergency room and address the need to improve the measurement of these sensitive events as recommended by the Task Force on Family Violence.

Criminal Justice Expenditure and Employment Survey

An increase of \$500,000 is requested to reinstate the Criminal Justice Expenditure and Employment Survey (CJEE), to be conducted every two years at a total cost of \$1,000,000. This survey originated in the Bureau of the Census in 1968. It was initiated in response to recommendations made by the 1966 *Report on National Needs for Criminal Justice Statistics*, which stated that data on the expenditure and employment levels for all criminal justice components were essential. Beginning with the 1971 survey, a new and enlarged panel of local governments was drawn to allow the development of reliable State-by-State data to meet the variable pass-through provisions of the 1970 amendments to the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351). These provisions require that each State government make available to local units of government a portion of the total-formula award that matches their percent of justice expenditure in the previous fiscal year.

The CJEE produces the variable pass through data (VPT) required for the allocation of State and local anti-drug abuse formula grants, as well as other high quality data to support policymaking at all levels of government. The survey was conducted annually from 1971-79. In 1980, funds for State and local assistance were discontinued and BJS faced severe budget cuts. Due to these circumstances, BJS reluctantly decided to discontinue the CJEE survey, particularly where the distribution of State and local assistance funds was one of the survey's major uses. Since then, BJS has endeavored to attract expenditure and employment data from the Census Bureau's on-going annual finance and employment surveys in order to meet the need of policymakers and researchers for some kind of indicator of the costs of the justice system. However, these surveys fall short of this objective. For example, prosecution and public defense expenditure data must be combined with court expenditures for a single "judicial category"; and detailed data are not available to distinguish appellate from trial courts. Institutional expenditures for a probation and parole, and adult institution expenditures from expenditures on juvenile institutions. Moreover, the quality of data collection is not as high because interviewers and respondents do not focus on criminal justice expenditure as in the CJEE. In addition, Census surveys do not provide the degree of statistical reliability and substantive detail as would the CJEE to meet the formula provisions of the 1986 amendments to P.L. 90-351, which established within the Bureau of Justice Assistance (BJA) a drug control assistance program with a variable pass-through of funds to local governments. In the past, users included the White House, OMB, the Department of Justice, the members of Congress, State and local governments, researchers, and the general public. Hundreds of State and local agencies used the data for budget and personnel comparisons with other jurisdictions. Researchers and the academic community made extensive use of the data. A mid-1970's evaluation of BJS' predecessor agency, conducted by Research Triangle Institute (RTI), found the CJEE reports to be among the most frequently acquired by respondent agencies. The National Academy of Public Administration evaluated the CJEE in 1989 and found that two-thirds of the respondents in their survey were familiar with the CJEE. Respondents to this survey covered the entire spectrum of state and local public agencies as well as researchers. The Bureau of Justice Statistics Advisory Board, appointed by the Attorney General, adopted the following resolution in the early 1980's:

"Resolved, That the Bureau of Justice Statistics be enabled to resume its statistical study of the cost to the Nation of the justice system and that sufficient funds be allocated to the Bureau immediately to achieve this aim."

Enhanced data are needed for the BJA drug formula grant program. BJS has had mixed success in obtaining funding to update the variable pass-through data; yet funding levels for the State and local assistance program approach those at the height of the Law Enforcement Assistance Administration (LEAA) program. Errors in the data used to pass through funds to local governments could have considerable financial impact for the governments involved. The CJEE survey will help to ensure that the formula funds are allocated among State and local governments equitably and in accordance with P.L. 90-351, as amended.

With the CJEE survey, BJS would provide detailed information on the costs of the justice system including police protection, courts, prosecution, public defense and corrections. BJS would examine long-term trends in justice expenditure and employment, costs of drug law enforcement and variations in spending for the different types of correctional institutions and programs, such as prisons, jails, parole and probation and in the various courts and court systems, trial, appellate etc. on a continual basis. A sampling of the kinds of information the CJEE survey could provide include: the cost of an arrest, prosecution and trial of a robbery or drug case and the cost of an adult offender in prison, a local jail, probation or parole for one year.

In a climate of scarce resources and a National effort to fight against drugs and crime, there is a critical need for policymakers at all levels of government to have accurate and current information on the costs of the justice system and to relate the costs to the impact on crime and drugs. The CJEE survey can provide this essential information on cost and would be a considerable asset to the wealth of information relevant to policymaking already contained in BJS programs and statistical series. Without new funding, the CJEE could not be conducted, leaving large gaps in our knowledge of the use of government resources for criminal justice purposes and resulting in the allocation of anti-drug abuse funds using out-of-date and inaccurate VPI data

Activity	1991 as Enacted		1992 Base		1992 Estimate		Increase/Decrease	
	Per.	For.	Per.	For.	Per.	For.	Per.	For.
Emergency Assistance	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount
Emergency Assistance	...	...	...	...	...	...	...	...

Long-Range Goal: To provide financial and technical support to assist States in responding adequately to law enforcement emergencies

Major Objectives:

To provide a rapid and coordinated Federal determination of State eligibility for assistance to respond to uncommon law enforcement situations

To ensure that once a determination of eligibility is made, such assistance is rendered without delay

Basic Program Description: Natural disasters and crime epidemics strike States and localities arbitrarily and without warning, often exceeding the capacity of law enforcement resources to protect life and property, and to enforce the law. It is clear from the authorizing legislation

and its legislative history that certain situations are viewed as appropriate for emergency law enforcement assistance. Equally clear is the firm intention to avoid unnecessary Federal involvement or intervention in matters which are primarily of State and local concern. To this end, the Anti-Drug Abuse Act excludes assistance for planning or other activities related to crowd control for general public safety projects and assistance for a situation requiring the enforcement of laws associated with scheduled public events. Thus, the high law enforcement costs associated with political conventions and international sporting events should be borne by the localities that sought the events.

The Act authorizes the Attorney General to receive requests from State chief executives for designation of a State or local jurisdiction as a law enforcement emergency jurisdiction. Once submitted, the application is to be approved or disapproved within 10 days. The Attorney General will make his determination to approve or disapprove the application, after consultation with appropriate members of the Federal law enforcement community. If the Attorney General approves the application, the Federal law enforcement community will proceed to provide appropriate equipment, training, intelligence information, personnel or funding. Funds are made available only when other forms of assistance are insufficient to assist the State.

Historically, few applications have been submitted for the funds, with only two grants having been awarded during the years 1985 (the year of inception) through 1989. The 1990 appropriation of \$9,927,000 was provided to specifically address needs arising from Hurricane Hugo and the earthquake in California. There is currently available \$969,087 to respond to law enforcement emergencies. We expect these funds to remain available for the foreseeable future and, therefore, request no budget authority for 1992.

Accomplishments and Workload: In 1989, one grant was awarded for \$1,100,000 to the South Carolina Department of Public Safety for expenses related to Hurricane Hugo. From the 1990 appropriation of \$9,927,000, a supplemental grant for \$1,600,000 was awarded to South Carolina. In addition, an award for \$4,963,000 was made to the State of California in early January 1990 for assistance in the wake of the San Francisco earthquake. The Virgin Islands was awarded \$1,286,000 and Puerto Rico received \$15,276 for the law enforcement emergency caused by Hurricane Hugo. In September 1990, an award for \$961,639 was made to the State of Florida for emergency law enforcement assistance in the Gainesville serial murder investigation, with a supplemental grant of \$700,000 awarded in November 1990.

Activity: Juvenile Justice Programs	1991 as Enacted		1992 Base		1992 Estimate		Increase/Decrease	
	Per-		Per-		Per-		Per-	
	Yr.	Amount	Yr.	Amount	Yr.	Amount	Yr.	Amount
Juvenile Justice Programs.....	...	\$72,052	...	\$72,052	...	\$7,500	...	-\$64,552

Long-Range Goal: To aid in the prevention, reduction, and treatment of juvenile crime and delinquency and to improve the administration of juvenile justice by providing financial and technical support to State and local units of government, public and private agencies, organizations and institutions.

Major Objectives:

To facilitate, through provision of technical/financial resources and national leadership:

- Secure full compliance, as well as maintain full compliance, with the requirement that status offenders and non-offenders not be held in

- secure detention and correctional facilities.
- b. Removal of all status offenders and non-offenders from secure detention and correctional facilities within five years from the date that each State/Territory began participation in the JJD/P Program.
 - c. A 75% reduction in the number of juveniles held in adult jails and lockups, in all States and territories which participate in the JJD/P Program, after December 8, 1985, and 100% removal after December 8, 1988.
 - d. Separation of juveniles found to be delinquent or status offenders, from adult persons incarcerated for criminal offenses in institutions in States not in compliance, and maintenance of separation of those States having achieved compliance.
 - e. Development and maintenance of compliance monitoring systems as required by Section 223(a)(15) of the Act for purposes of supporting maintenance of compliance with the deinstitutionalization, separation and jail removal requirements.
- To conduct research which can be applied to the development of programs for preventing and controlling juvenile delinquency and illegal drug use and improving the response of the juvenile justice system to high risk youth.
- To develop and test program models based on a synthesis of research and field experience for preventing and controlling juvenile delinquency and illegal drug use and improving the response of the juvenile justice system to high risk youth.
- To demonstrate existing programs for preventing and controlling juvenile delinquency and illegal drug use and improving the response of the juvenile justice system to high risk youth, which are determined to be effective in a variety of jurisdictions
- To disseminate information produced by research, development, and demonstration activities through training, technical assistance, and clearinghouse activities.
- To develop, demonstrate, and disseminate information on prevention and treatment programs relating to juvenile gangs and drug abuse and drug trafficking.
- To provide for auditing State monitoring compliance systems and to oversee required corrective actions.
- To make formula grant allocations available to public and private non-profit agencies in States not participating in the Juvenile Justice and Delinquency Prevention Act program.
- To provide technical assistance to State and local governments, and other service providers, in the development and implementation of programs related to deinstitutionalization, separation, jail removal, juvenile delinquency and other programs to improve the juvenile justice system.
- Base Program Description:** The Formula Grant Program represents 70% of the total amount appropriated for Juvenile Justice and Delinquency Prevention. This program provides funds to States on the basis of population under the age of 18. To receive its allocated funds, a State or territory must submit a three year comprehensive plan that meets statutory criteria. Funds may be expended for innovative programs to prevent delinquency, divert juveniles from the system, provide community-based alternatives to secure confinement, and to provide programs for juveniles who commit serious crimes. In 1990, 56 States and territories participated in the program. South Dakota was the only non-participating State.

The National Institute for Juvenile Justice and Delinquency Prevention (NIJDP), within the OJJDP, conducts research and program development activities to increase understanding of the risk factors for delinquency and the effects of alternative juvenile justice policies. This information is applied to the development of promising program models, through joint initiatives with the Special Emphasis program. The NIJDP also serves as an information collection and dissemination center for the Office. Information on juvenile delinquency, promising programs, and innovative juvenile justice policies and procedures are disseminated through clearinghouse, training, and technical assistance activities.

New program development efforts funded by the Special Emphasis Division address a wide range of national juvenile justice issues by developing and testing prototypes and demonstrating effective programs. Program information generated throughout the development process is disseminated to the field. Competitive awards are made to support comprehensive planning and program development in many areas impacting on high risk youth. The design and implementation of these new efforts are coordinated with NIJDP and the State Relations and Assistance Division.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), through the Coordinating Council on Juvenile Justice and Delinquency Prevention, coordinates and concentrates Federal resources on the problems of delinquency and the operations of the juvenile justice system. This includes the development of Federal youth policy and joint programs to target high risk youth.

Accomplishments and Workload: The following table represents accomplishments of the Juvenile Justice Programs.

Item	Estimates	
	1991	1992
States and territories participating in program.....	56	56
States in full compliance with deinstitutionalization provisions.....	51	51
States in compliance with separation requirements.....	32*	32
States in compliance with jail removal.....	42	42
States with monitoring systems.....	51	51
Juvenile justice formula grants awarded.....	56	56
Juvenile justice special emphasis grants awarded.....	14	14
National Institute of Juvenile Justice grants awarded.....	16	16
Inter-agency agreements entered into.....	4	3
High risk youth research programs/projects.....	7	5
High risk youth training projects.....	7	4
High risk youth demonstration projects.....	17	13
High risk youth information/dissemination projects.....	2	3

* Twenty States and territories are making progress toward achieving compliance. These States have not yet reached their designated date for achieving compliance pursuant to 28CFR31.

Since enactment of the Juvenile Justice and Delinquency Prevention Act of 1974, the provision of Federal technical and financial resources has enabled participating States to undertake a number of system-wide improvements. The Formula Grants Program has had a significant impact on rates of incarceration throughout the United States. Fifty-one of the States participating in the program have achieved full compliance with

the statutory mandate to deinstitutionalize status offenders and non-offenders. Since 1979, the number of violations of the statutory mandate of deinstitutionalization of status offenders and non-offenders has been reduced from 188,007 in 1979 to 9,741 in 1985 among the participating States, a 95% reduction.

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	Yr. Amount	Perm.	Yr. Amount	Perm.	Yr. Amount
Juvenile Justice Programs	\$72,052	...	\$7,500	...	-\$64,552

The 1992 request for \$7,500,000 will assist the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in continuing to coordinate and fund its High Risk Youth Program. The \$7,500,000 requested for 1992, together with a 50% match from grant recipients, would provide \$15 million for the Juvenile Justice High Risk Program. The Program focuses on youth and teenagers under the age of 18 who, because of certain characteristics or conditions, are especially likely to use illegal drugs and/or alcohol. These characteristics include such factors as: children of substance abusers; school dropouts; victims of physical, sexual, or psychological abuse; and youth who have committed violent or delinquent acts. OJJDP is giving high priority to preventing high risk youth from becoming involved in the use of trafficking of illegal drugs, and on developing comprehensive, coordinated responses by the juvenile justice system to those youth who are involved in illegal drugs. The Bureau of Justice Assistance also plans to devote up to \$15,000,000 of Anti-Drug Abuse discretionary funding to aid in the enhancement and expansion of the High Risk Youth Program.

Initiatives included in the High Risk Youth Program generally are based upon two guiding policies: (1) zero tolerance for illegal drug use by high risk youth; and (2) accountability on the part of individuals, families, and communities for preventing and controlling illegal drug use among high risk youth. Therefore, OJJDP's programs are based on four principles: (1) Research-based program designs that target risk factors; (2) Emphasis on change at the legal, policy, procedural, and practice levels; (3) System coordination of services and programs; and (4) Identification and redeployment of existing Federal, State, local, as well as private resources. In doing so, OJJDP assumes a national leadership position, with the traditional Federal functions of program development/demonstration, training and technical assistance, research and information dissemination. Examples include but are not limited to: development of program models that effectively address the factors that place juveniles at high risk for initiation or continued involvement in illegal drug and alcohol abuse; development of a program to help communities coordinate drug prevention activities by providing technical assistance and training to help schools, civic groups, police, courts and other juvenile justice decision makers to work together to plan and implement community drug and alcohol abuse programs; a project to assess the gang problem nationwide and develop model juvenile gang suppression and control programs, emphasizing elimination of the sale and distribution of drugs; and development of a national public awareness campaign on high risk youth that communicates a strong message of zero tolerance for illegal drugs and that everyone -- youth, families, and communities -- is accountable.

As the requested level of funding, OJJDP will be able to continue funding its High Risk Youth Program. OJJDP has long funded programs that are designed to address the problems of high risk youth. No new legislation will be needed since the Juvenile Justice and Delinquency Prevention Act (JJDPA) specifically addresses such high risk factors as juvenile gangs, youth drug and alcohol use, weakened family structure, and school drop-outs. Indeed, under the auspices of the Coordinating Council on Juvenile Justice and Delinquency Prevention, the OJJDP already has the means with which to coordinate the activities of all agencies involved in any High Risk Youth initiative. This proposal reflects the Administration's support for programs to address the problems with gangs and drugs and their relationship with the juvenile justice system.

Activity: Missing Children

	1991 as Enacted		1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	Amount	Perm.	Amount	Perm.	Amount	Perm.	Amount
Pos.								
		\$7,971		\$7,971		\$7,971		

Major_Objectives:

To ensure that there is effective coordination among all Federally funded programs related to missing children.

To establish and maintain a national resource center and clearinghouse to:

- a. State and local governments, public and private non-profit agencies, and individuals information regarding free or low cost legal assistance, adoption, foster care, and information on Federal agencies, State and local governments, public and private non-profit agencies, and individuals looking for missing children and their families; and information on Federal programs available to assist missing children and their families;
- b. coordinate public and private programs that locate and recover missing children;
- c. nationally disseminate information on innovative missing children's programs, services, and legislation;
- d. provide technical assistance and training to law enforcement agencies, State and local governments, private non-profit agencies, and individuals in the prevention, investigation, prosecution and treatment of the missing or exploited child case and in locating and recovering missing children.

To periodically conduct national incidence studies to determine the actual number of children reported missing each year, the number of children who are victims of stranger abductions, the number of children who are victims of parental kidnappings, and the number of missing children who are recovered each year.

To provide to State and local governments, public and private non-profit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.

To produce a study to determine obstacles to the recovery by legal custodians of children who have been removed by noncustodial parent and submit a report summarizing the results to the Congress within three years.

To prepare an annual report to the President, Speaker of the House, and President pro tempore of the Senate which includes information contained in Section 404(a)(3) of the Juvenile Justice and Delinquency Prevention Act as amended.

To provide a program to establish and maintain a 24-hour national toll-free telephone line where individuals may report information regarding the location of missing children and request information on reuniting such children with their families.

Fast Program Description: The public and the criminal justice community continue to be concerned about runaways and other missing and exploited children. During 1990, the National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART) was conducted, in which it was determined that the missing children problem is a set of five very different, and distinct problems. This study provided the first national estimates of the number of children in each of these categories for a given year. Results indicated that in 1988, there were an estimated 334,100 children who met the study definitions for family abduction. While an estimated 3,200 to 4,600 children were abducted by non-family members, of which 260,300 were defined as stereotypical (stranger) kidnappings, there were an estimated 114,000 attempted stranger abductions. An estimated 450,700 children ran away from their homes or from juvenile facilities; an estimated 127,100 were thrown out of their homes or abandoned by their parents, and finally, an estimated 438,200 children were lost, injured or otherwise missing for a specified period of time, depending on their age and disabilities. It was discovered that many of the children in the first four categories were not literally missing, caretakers did know where they were, but the problem was in recovering them.

The Missing Children Program funds will be used to enhance the efforts of State and local communities in their comprehensive response to missing and exploited children issues through such activities as direct assistance in planning and program development at the local level, and developing and disseminating policies, procedures and programmatic information related to search teams, investigations, crisis intervention activities, as well as reunification of youth with their family and, responding to the issues related to victimization of the families and youth involved in the missing and exploitation problem.

Other program areas that may be considered for funding are: the development of materials for local communities and State agencies to assess the incidence of missing and exploited children activities, providing financial as well as training and technical assistance support to missing children private voluntary organizations operating at the State and local level; enhancement of programs that assist missing or exploited children whose exploitation or potential exploitation is connected with drug abuse, support and expansion of existing missing children State clearinghouse; and support to the National Center for Missing and Exploited Children for continued support in all the above-mentioned areas. Joint program activities with other appropriate Federal agencies such as the Office for Victims of Crime would be undertaken to focus and enhance victim assistance services for the families and youth involved in the problem of missing children and child exploitation.

The 1988 amendments to the Juvenile Justice and Delinquency Prevention Act (JJDPA) require the Office of Juvenile Justice and Delinquency Prevention to publish in the Federal Register for public comment annual research, demonstration and service program priorities for making grants and contracts pursuant to section 405 and the criteria based on merit for making such grants and contracts. The FY 1991 proposed program priorities are scheduled to be published in the Federal Register in February 1991.

felony committed after having been paroled into the United States by the Attorney General. Each State that applies for funds is required to submit a list of incarcerated Mariel Cubans that is certified by the Governor. The list of inmates is then verified by the Immigration and Naturalization Service (INS). On the basis of a per capita allocation, each State receives a pro-rata share of the amount available.

Accomplishments and Workload: Significant data for this program is presented in the following table:

Item	1989		1990		Estimates	
	Pos.	Yr. Amount	Pos.	Yr. Amount	1991	1992
Number of States Reimbursed.....		36		39	39	...
Number of inmates verified by INS.....		2,358		2,483	2,483	...
Average number of months incarcerated (per inmate).....		10.4		10.5	10.5	...
Average total payment per inmate.....		\$2,120		\$1,999	\$1,999	...
Average payment per month per inmate.....		\$203		\$190	\$190	...

Program Changes:

	1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	Yr. Amount	Pos.	Yr. Amount	Pos.	Yr. Amount
Mariel Cubans.....		\$4,963		...	...	-\$4,963

No funding is requested for 1992. In this period of scarce Federal funds, the Mariel Cubans program is not of sufficient priority to command a share of the limited funds available. Available resources do not permit continuation of this program when compared to other Departmental priorities; the Department must first use any available funds to meet its Federal justice responsibilities.

Activity: Crime Control Programs

	1991 as Enacted		1992 Base		1992 Estimate		Increase/Decrease	
	Pos.	Yr. Amount	Pos.	Yr. Amount	Pos.	Yr. Amount	Pos.	Yr. Amount
Crime Control Programs.....	

This activity is used to reflect adjustments to prior year obligations and outlays for programs that were authorized by preceding legislative authority but are not authorized by existing legislation. The programs have terminated and require no new budget authority in 1992.

Major Objectives:

To encourage the establishment of drug policies, the development of strategies and reallocation or targeting of resources to increase the effectiveness and efficiency of drug control efforts.

To provide State and local criminal justice agencies with state-of-the-art information on innovative and effective programs, practices and techniques.

To improve and enhance the capability of State and local agencies to engage in effective drug control efforts.

To encourage and facilitate coordination and cooperation

To assess the impact of activities on the drug problem and the criminal justice system.

Base Program Description: The purpose of the Drug Control and System Improvement Grant Program of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program is to assist States and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis placed on a nationwide and multilevel drug control strategy. Programs and projects are developed to assist multijurisdictional and multistate efforts to control drugs and to support national drug control priorities. The purpose of the Edward Byrne Memorial discretionary grant programs is to provide additional Federal financial assistance to public or private agencies and private non-profit organizations for undertaking educational and training programs for criminal justice personnel, providing technical assistance to State and local units of government, for undertaking projects in the twenty-one purpose areas of formula grant programs which are national or multijurisdictional in scope, and providing financial assistance for demonstration programs which are likely to be a success in more than one jurisdiction.

The Anti-Drug Abuse Act of 1988 authorizes programs in 21 purpose areas to control drugs and improve the criminal justice system. Currently, the legislation allocates 20 percent, or \$50,000,000, whichever is less, to the discretionary grant program. The remaining funds are distributed to the States by a formula which provides each State a base amount of .25 percent of total funds available or \$500,000, whichever is greater, with the remaining funds distributed to the States on a population share basis. A percentage of each State's formula award must be used for projects at the local level, based on the percentage local criminal justice expenditures represent of total State and local criminal justice expenditures. Each State must prepare a statewide drug strategy, which serves as the basis for its application for funds. The fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Northern Mariana Islands are eligible to receive a formula grant award. Through the formula grant component, States and local units of government develop strategies and funding priorities to address their own jurisdictional drug problems while, simultaneously, supporting national drug control priorities and objectives. The program provides financial assistance, based on need, to State and local agencies to address the problems of drugs and drug-related crime in the nation's towns and communities.

The Bureau of Justice Assistance (BJA), through its discretionary grant program, tests and demonstrates the effectiveness of new programs, practices and techniques; provides technical assistance and training to State and local criminal justice practitioners; and implements programs that are national or multijurisdictional in scope. Federal leadership in the fight against drugs is vital to the States and local units of

government facing the day-to-day challenge of drug control in our nation. This program is a major component in the Federal role of assisting State and local governments in this area.

The Program provides BJA and the States broad authority to establish and support projects in a) components of the criminal justice system as well as demand reduction efforts utilizing law enforcement officials. Projects, for the most part, are operational efforts involving primarily personnel, equipment and other necessary operating expenses.

The Office of Justice Programs (OJP) program offices share a common goal, which is to implement innovative programs and foster improvements in the Nation's criminal and juvenile justice systems. Therefore, historically, BJA programs, as well as those of the other OJP components, are frequently implemented in concert with other OJP offices. For example, a few of the major initiatives that are being undertaken in 1990 jointly by BJA and other OJP components are discussed under accomplishments and workload. The following are programs that BJA plans to fund in 1992 and will be implemented jointly by BJA and other OJP offices (including by the provision of discretionary funds from BJA to other OJP components):

Drugs and Crime Data Center and Clearinghouse - Since its inception in 1988, the Clearinghouse has been administered by the Bureau of Justice Statistics. While funding has been provided by BJA, The Clearinghouse provides direct assistance to local, State, and Federal anti-drug efforts through the identification, collection, and analysis of drug-crime information necessary for strategic planning. In 1992, BJA will make available \$1,100,000 to BJS to operate the Drugs and Crime Data Center and Clearinghouse. This will allow BJS to expand its functions to provide information on all aspects of drug testing, including alternative technologies, the operations associated with disparate criminal justice populations, statutory and legal guidance, and methods of estimating costs to State and local governments. Drug testing in criminal justice is an essential component of this Administration's efforts to control use and abuse of illegal substances. In the first National Drug Control Strategy (September 1989), the Administration mandated the "adoption by the States of drug-testing throughout their criminal justice systems for arrestees, prisoners, parolees, and those out on bail" (see page 16 of the Strategy). Drug testing was the only priority in criminal justice where the Administration has recommended that the adoption of such programs be a condition for receipt of Federal funds. Every aspect of drug testing immediately became a vital concern for State and local governments, most with limited experience with testing of criminal justice populations. The second National Drug Control Strategy, published in January, 1990, indicated that after publication of the first National Drug Control Strategy, the President proposed legislation implementing the conditioning of receipt of funds on States adopting drug testing programs (see page 26 of the Strategy). This same section in Strategy II directed the Department of Justice to add drug testing information to its clearinghouse activities, stressing the "creation and operation of effective testing programs." It is a clear Federal role under a White House imperative to aid State and local governments in implementation of a complex program. The Administration is thus committed to a program that presents significant challenges for States due to its complexity but also substantial opportunity for improving crime control and drug treatment strategies. The level of this complexity is borne out by developments over the past thirty years. In the 1960's, medical technology was first applied to the detection of drugs in urine, making outpatient methadone treatment feasible. Agencies of the criminal justice system hesitatingly began to establish programs to treat convicted addicts, with testing for drug use becoming a part of the expanded treatment system. Increasing demand spurred the development of testing technologies tied to urine analysis, broadly characterized as chromatography and immunoassay, with procedures divided into screening and confirmatory tests. As the criminal justice system begins tests at all stages of the adjudication process, guidance on technologies is essential. In addition there are the legal and constitutional issues surrounding statutes initiating drug testing. Drug testing of pretrial defendants and convicted offenders has been challenged as violating four separate constitutional guarantees -- due process, self-incrimination, equal protection, and unreasonable search and seizure. Assistance to States on the adequacy of statutory drafting and associated case law is critical. Finally States and cities need guidance on the number of alternative uses of drug testing in the criminal justice system and their costs, including screening for release on own recognizance, offender classification, treatment monitoring, intervention following use (particularly by probationers and parolees), data bases on drug abuse for program and budget planning, work furlough classification and monitoring and identifying drug use trends in various criminal justice

populations. Providing such information will promote drug testing implementation; it will show good faith by the Administration in an area where States and cities will be bearing the greatest portions of the costs. The Center and Clearinghouse can remove barriers to implementation for a modest investment of resources in a highly effective on-going mature operation of the Bureau of Justice Statistics.

To further complement the Clearinghouse drug testing activities, NIJ will target \$500,000 to \$1,000,000 toward conducting the research needed for cost-effective drug testing programs. This research will provide answers to the many issues identified and then allow the Clearinghouse to transfer that expertise rapidly to the field. For instance, research is needed badly on the efficacy of various combinations of sanctions, tests, and treatments.

Improving Criminal History Information Systems Program - In 1992, at least \$9,000,000 will be available to BJS to administer this program. The program, which began in 1990, is a three-year initiative designed to develop a system for the immediate and accurate identification of convicted felons attempting to purchase firearms, in response to requirements of the Anti-Drug Abuse Act of 1988. Funds will be used to (1) improve the quality and timeliness of criminal history record information; (2) enhance State criminal history records in order to identify felons attempting to purchase firearms; and (3) comply with FBI voluntary reporting standards.

High Risk Youth Program - Up to \$15,000,000 will be made available to the Office of Juvenile Justice and Delinquency Prevention in 1992 to enhance and expand the High Risk Youth program, which focuses on youth and teenagers under the age of 18, who because of certain characteristics or conditions are especially likely to use illegal drugs or alcohol and become involved in other types of delinquency. OJJDP will address a wider range of factors that place juveniles at risk for involvement in drugs and delinquency through enhancing existing development, demonstration and dissemination programs dealing with preventing, intervening and treating youth involved in illegal drug use and delinquency. The risk factors for illegal drug use and delinquency that were the major focus of 1991 programs were children of substance abusers, school dropouts, victims of physical, sexual or psychological abuse, and youth who have committed violent or delinquent acts. Research has demonstrated that multiple factors work together to place youth at risk. Therefore, OJJDP will expand its focus in 1992, and emphasize family strengthening, illiteracy, improved academic achievement, gang involvement, intermediate sanctions, community-based supervision and jail removal. The funds will support programs that: 1) discourage illegal drug use among youth, 2) identify and develop effective programs through systematic testing and evaluation, and 3) disseminate program models nationally that improve state and local policies and practices. For the High Risk Youth program, grant recipients will be required to finance fifty percent of the total approved project cost. This condition will maintain consistency with the fifty-percent match requirement imposed on High Risk Youth projects funded with Juvenile Justice program funds.

Drug Use Forecasting (DUF) System - This program, which is administered by the National Institute of Justice (NIJ), currently provides specific information on the prevalence and type of drug use among arrestees in 21 of the Nation's largest cities. In 1992, BJA will contribute up to \$3,000,000 to the program, which will be in addition to NIJ's base resources of \$7,000,000. The present DUF system estimates drug use among arrestees in larger cities. While these are the cities that have the bulk of the Nation's crime, the data from urban DUF sites cannot be assumed to be representative of drug use in the total arrestee population. In 1992, efforts will be directed to modifying data collection procedures within DUF sites to assure improved methodological rigor. To assist in this process, a technical assessment will be conducted of the methodology employed by the DUF system which will focus on issues of documenting drug testing procedures, training procedures at each DUF site, the statistical representativeness of the DUF samples within cities, and the reliability and comparability of the data across cities. Any expansion of DUF to additional sites and increases in funding for 1992 will be contingent upon the resolution of program and methodological issues identified in the technical assessment. NIJ anticipates that 25 new sites will need to be added in 1992. DUF's ongoing dissemination

efforts will enable researchers and practitioners to take advantage of the wealth of data already collected on the more than nearly 40,000 arrestees through tests and interview information. The repository of procedural and operational experience with drug testing, data collection, and analysis will be accessible to jurisdictions throughout the country that are implementing or considering drug testing programs for those under criminal justice supervision. With reliable estimates, the Nation's drug control strategy will be in a better position to monitor drug use trends and patterns and explore their implications for drug control policymaking. By providing reliable estimates of drug use in this arrestee population, it will be possible to construct a more comprehensive picture of drug abuse. At some sites, juvenile arrestees are also tested, and results indicate that drug use begins to show up in youths as young as 11 or 12. These findings have focused policymakers' attention on the need for early intervention to prevent more serious drug use and criminal activity.

Comprehensive Program Evaluations - The goal of this program is to conduct comprehensive evaluations of selected programs funded under the Anti-Drug Formula and Discretionary Grant Programs. The program, which is administered by the National Institute of Justice, is designed to identify "what works" in drug control. In 1992, BJA will contribute up to \$5,000,000 of drug discretionary resources to the evaluation program. This amount will be in addition to the \$2,000,000 NIJ will devote to the program from its base resources.

In addition, the following programs will be supported in 1992 with Anti-Drug Abuse funds:

Regional Information Sharing System (RISS) - The funding for continued support of RISS will be provided from Anti-Drug Abuse funds for 1992 and subsequent years at a decreasing level of Federal funds and an increasing level of matching funds to be provided by participating State and local agencies. For 1992, \$9,750,000 will be allocated from Anti-Drug Abuse funds. A 25 percent match contribution will be required totaling \$3,250,000, providing a program level of \$13,000,000 for 1992. The match requirement will increase to 50 percent in 1993, 75 percent in 1994, and in 1995 no Federal funds will be devoted to the program.

NCIC 2000 Project - Continued funding of the Federal Bureau of Investigation's (FBI) NCIC 2000 Project will be provided from 1992 Anti-Drug Abuse Funds. The 1991 interagency agreement between BJA and the FBI will be extended to 1992 and \$22,000,000 will be provided the FBI for second year efforts under this program, which will enhance States' capabilities to provide timely data to the NCIC system.

Correctional Training and Technical Assistance Program - This program will provide critical new resources to provide training and deliver technical assistance to State and local corrections personnel and agencies. Through an interagency agreement between BJA and the National Institute of Corrections (NIC), BJA will provide \$3,000,000 for NIC to award grants to establish and deliver the training and technical assistance services.

Accomplishments and Workload: The passage of the Anti-Drug Abuse Act in October of 1986 and the subsequent passage of the Anti-Drug Abuse Act of 1988 in November of 1988 were important steps in enlisting many State and local jurisdictions in the nation's fight against drugs. A review of the first statewide drug strategies submitted to BJA in 1987 showed that many States had only limited information on the magnitude of the drug problem in their state and had allocated few resources to address the problem. During recent years, many jurisdictions throughout the country have made the reduction of drug use and control of drug crime a high priority. Through the programs established by the Anti-Drug Abuse Act of 1986, and expanded by the Anti-Drug Abuse Act of 1988, States and local jurisdictions have recognized the interjurisdictional nature of the drug problems and established and expanded cooperation and cooperation among government and private agencies that have not been created to address any other issue.

The recognition that the disruption of drug trafficking operations requires multijurisdictional cooperation was heightened and supported. Agencies are sharing resources and personnel to enhance cooperative efforts. Education treatment and criminal justice agencies are working together to prevent the use of drugs. States and local governments also recognize the importance of criminal sanctions to punish those who engage in drug-related crime and as a means of reducing the demand for drugs, by increasing the risks of drug use, as well as a means of getting people into treatment and keeping them there long enough to reduce both their drug and criminal behavior. The criminal justice system is actively seeking community support and participation in addressing the drug problem.

In addition, resources devoted to drug control at the state and local levels have increased significantly over the past three years. In many states, the Federal resources made available through BJA serve as an impetus for reprioritization of existing resources or the allocation of additional resources to target the drug problem. One of the primary objectives of most of the enforcement and prosecution efforts initiated or expanded with Anti-Drug Abuse funds is to remove the profits from drug crime, making new resources available to law enforcement from the proceeds derived from forfeited assets. Prior to the implementation of the ADAA, many law enforcement agencies, especially small, rural agencies, found it difficult to engage in drug control activities because of a lack of personnel, training, equipment and buy money. Undercover operations were difficult because undercover officers would be recognized after one or two operations in these small jurisdictions. The over 700 multijurisdictional task forces and drug units that have been established or expanded with formula grant funds have made it possible for many of these agencies to participate in the drug effort through the sharing of resources.

BJA administered programs have resulted in significant increases in the number of drug arrests and prosecutions resulting in increased timeliness of prosecutions, increased rates of conviction, reductions in plea bargaining, more severe sentences and increased financial penalties in terms of fines and assets forfeited. In addition, states reported asset seizures by state and local agencies in excess of \$177 million in the 1989 strategies. Several states report the legislation has been changed to strengthen their abilities to pursue drug-related assets, including real estate, and in many states, the forfeited funds are returned to law enforcement for drug enforcement activities.

These are encouraging signs that the drug control efforts being implemented throughout the country are having an effect on the drug problems. The increased participation of state and local agencies in this fight is significantly increasing the risks to both the drug dealer and user. Significant progress has also been made in the treatment of drug-involved offenders to reduce their criminal activity as well as to provide meaningful sanctions to punish offenders for their drug abuse and trafficking activities. Model programs and new practices and techniques that enhance the criminal justice system's ability to investigate, prosecute and adjudicate drug cases and identify, punish and treat drug offenders have been identified and are being shared with practitioners throughout the country. This sharing of information is increasing the efficiency and effectiveness of the criminal justice system.

The Bureau of Justice Assistance has strived to integrate and support the objectives and strategies of the National Drug Control Strategy in its ongoing programs to assist state and local governments to enhance their drug control efforts. BJA and its programs provides the Federal government a unique interface with both the policy and operational elements involved in drug control activities at the state and local levels and is committed to providing leadership and assistance to maximize the effectiveness of limited federal assistance for state and local drug control initiatives.

Much has been accomplished by the Bureau of Justice Assistance and the States during the past year to increase the levels of coordination and cooperation among Federal, State and local agencies and among the criminal justice, drug treatment and education communities, resulting in a

more effective utilization of resources. Model programs and new practices and techniques, which enhance the criminal justice system's ability to investigate, prosecute and adjudicate drug cases and to identify, punish and treat drug offenders have been identified and are being shared with practitioners throughout the country. This sharing of information is increasing the efficiency of the criminal justice system and public safety. Specific examples of accomplishments follow.

FORMULA GRANT PROGRAM

The formula grant program receives at least 80 percent of the annual appropriation. Fifty-six states and territorial governments participate in the program. The Governor of each participating state designates an agency to develop an annual drug strategy as a part of their formula grant application and to administer the formula grant program. State applications are due no later than 60 days after the appropriations bill is enacted. BJA must review and approve all complete applications within 45 days of receipt. State administrative agencies then announce fund availability, review and select eligible recipients and administer the program. Each state must allocate a prescribed percentage of the total formula award for use by local jurisdictions.

BJA reviewed all applications and completed the award process on March 7, 1990, less than four months after the 1990 appropriations bill was enacted. BJA projects that all 1991 formula applications will be awarded within three months of enactment of the 1991 appropriation bill (November 5, 1990). Since the program's inception in 1987, through 1991, almost \$1.2 billion has been provided for the states under this program.

Approximately 80 percent of the formula grant funds from 1987, 1988, and 1989 have been targeted by the states toward apprehension and prosecution efforts, primarily multijurisdictional task forces and upgrading the capabilities of state and local law enforcement and prosecution agencies. These programs implemented in the states have shown significant results in immobilizing drug trafficking organizations, often targeting major traffickers, increasing drug seizures, disrupting clandestine laboratories and seizing and forfeiting the proceeds and assets of drug traffickers.

Practically all states selected drug enforcement initiatives as the major program priority for grant funds. Over 700 multijurisdictional task forces and drug units have been established or expanded throughout the country as a result of the Anti-Drug Abuse Act. These task forces serve as the foundation for the drug strategies implemented by the states under the formula grant program.

Most states also used formula funds to establish drug prosecution units and to hire prosecutors dedicated to drug cases in order to increase the number and effectiveness of drug case prosecution. Most of the drug prosecution units emphasize the seizure and forfeiture of drug-related assets, and many of the units utilize vertical prosecution of drug cases. In addition, many states used formula grant funds to upgrade crime laboratory resources, specifically forensic chemists and critical laboratory equipment. The results of these efforts are much more intensely focused prosecutorial drug enforcement, an increasingly close relationship among the prosecutors, the drug strike teams and other law enforcement officers engaged in narcotics control, and the accumulation of substantial intelligence information on drug trafficking.

For 1990, the states have continued the drug enforcement priority as the single most funded program area. However, drug enforcement funding, as a percentage of total funds available, declined in 1990, with correctional enhancements and treatment emerging as high priority areas as well.

DISCRETIONARY GRANT PROGRAM

BJA's discretionary grant program is designed to simultaneously address the key needs of state and local law enforcement and criminal justice agencies while contributing to the integration of priority issues as identified by the National Drug Control Strategy. Following are a number of programs that have contributed significantly to the improvement of the drug control and administration of justice at the state and local levels as well as information on a number of new initiatives BJA has established for 1990.

The National Citizens' Crime Prevention Campaign is funded by BJA under a cooperative agreement with the National Crime Prevention Council. This program, which is represented by McGruff, the Crime Dog, began in 1980 and although national in scope, it is local in application. The goals of this program are several: to teach children and adults about crime and drug prevention; to mobilize existing resources for crime and drug prevention; to generate an individual and community sense of responsibility for crime and drug prevention; and provide direction to the field of law enforcement, state and local government and communities around the country. These goals are achieved through various activities including public service advertising, development and dissemination of a wide range of materials from books and brochures to posters, kits, comic books and videos; technical assistance and training in various aspects of crime and drug prevention for civilian and law enforcement as well as to state and local organizations and associations; holding policy roundtables and symposia; maintaining a Resource Library and Computerized Information Services Center; managing community-based crime and drug prevention demonstration projects; and coordinating activities of the 130-member Crime Prevention Coalition. This Campaign is designed in such a way as to be responsive to Administration priorities, research findings, and needs assessments of the field. Some of the major recent accomplishments include:

- o The release of two new public service ads focusing on community/law enforcement partnerships with respect to crime and drug prevention.
- o A McGruff Drug Abuse Prevention KIT was produced and distributed to every elementary school in the nation. The materials contained in the Kit include, a 23 minute video and reproducible teaching aids target young children ages 6-12, the primary target audience for primary drug prevention.
- o The production and distribution of a packet of drug prevention information targeting children ages 6-12 was distributed to all elementary schools.
- o Challenges and Opportunities in Drug Prevention: A Demand Reduction Resource Guide for Local Law Enforcement Officials was produced and distributed to all law enforcement agencies in the country.
- o The Crime Prevention Coalition, the National Crime Prevention Council, and BJA continue to work on the development of Crime Prevention in America: A Call To Action, a major document which outlines the principles and foundation for action at the state and local level with respect to crime and drug prevention activity.
- o A seven site community-based demonstration program was initiated entitled "Community Responses to Drug Abuse Prevention." This initiative will discover effective community-based strategies local groups can employ, working in partnership with law enforcement and other city agencies, to combat the scourge of drug abuse and reduce the fear that is felt by the citizens in targeted communities. This program has received a great deal of attention from Drug Czar William Bennett.

- o A demonstration project entitled "Teens as Resources" was established to demonstrate effective ways that teens can be used to combat drugs in their communities.
 - o McGruff the Crime Dog is being used to reach millions of children with a drug use prevention message. He is recognized by 99 percent of children between the ages of 6 and 12, and 97 percent say they try to do what McGruff tells them to do. Program initiatives are focused on five primary tasks: Community responses to drug abuse prevention, in conjunction with the National Training and Information Center of Chicago; Revision of the "No Show" video, replacing copies as necessary and distributing the balance to remaining school districts in the U.S.A.; Publishing and disseminating the Law Enforcement/Demand Reduction Guide to the majority of law enforcement agencies in the country; Establishing pilot demand reduction training for law enforcement and community leaders teams; distribution of selected reproducible NCPG drug abuse prevention materials to every elementary school in the nation that will include a survey of approximately 750 schools to assess the utility of the materials; and Drug abuse prevention initiatives for middle school students, initially focusing on behavior research.
- The Drug Abuse Resistance Education (DARE) program is a police officer-led, semester-long series of classroom instruction that teaches children how to resist peer pressures to experiment with drugs. DARE also teaches children about the penalties that society will impose for drug use. Qualified, uniformed, full-time veteran police officers, after proper training, teach drug use education to students in classrooms, grades K-12. DARE gives children skills to recognize and resist the subtle and overt pressures that cause them to experiment with drugs and alcohol.
- In 1989 and 1990, IJA supported five DARE Regional Training Centers providing cost-effective, specialized training for police officers who teach drug use resistance education, and for police officers who work with and train other officers as instructors/Mentors. For 1991, the training centers will be continued, with enhancements to include training for officers who will teach students with learning disabilities and the hearing impaired.
- In addition, a major program enhancement for 1990 was the development and demonstration of a model parent component for the DARE program. Through this effort, DARE officers will provide a series of lessons based on social skills strategies to parents. The lessons are designed to help make parents more aware of the social conditions and peer influences that potentially influence their children and affect their decisionmaking skills. In 1991, this model will be evaluated and training provided to implement the parent component in DARE projects throughout the country.
- During 1989, DARE was either implemented or continued in 49 states and the District of Columbia. Several foreign countries were provided training for officers to teach DARE. DARE instruction is now provided in Australia, Canada and New Zealand, and in the Department of Defense schools worldwide. Approximately 3,000,000 children received DARE training during the 1989-1990 school year. Over 2,600 officers have received intensive training from IJA's Regional DARE Training Centers, nearly 800 programs have been implemented, and an estimated 3 million students had been trained by the end of 1988.
- The Washington D.C. Metro Area Drug Task Force is designed to demonstrate, through coordinated planning and operations, the ability of Federal, state and local law enforcement agencies to suppress narcotics and illicit drug trafficking and the violence associated with it in a major metropolitan area. The Arlington County, Virginia Police Department, in collaboration with the DEA, is the host agency for this program.

Funding is utilized solely by local jurisdictions in this coordinated effort. State and local law enforcement officers assigned to the task force have been deputized as Federal officers. This action enables the state, local and Federal officers to work side-by-side in the jurisdictions. It also permits illicit drug and narcotic traffickers to be processed in Federal courts and to be designated as Federal prisoners.

The Task Force was organized on June 1, 1989. It is now comprised of Federal, state and local agencies working together under the guidance of two Special Assistant Agents in Charge appointed to the task force from the DEA Washington Field Division. The task force is staffed with 30 investigative and intelligence officers from DEA, 43 officers from participating state and local jurisdictions, and approximately 36 officers from other participating Federal agencies.

The staff are divided into four enforcement groups (two in the District of Columbia and one each in Maryland and Northern Virginia), three intelligence groups (one specializing in each of the three enforcement areas), and four specialized groups supporting the entire operation (concentrating on asset seizures and forfeitures, airport interdiction, fugitives, and weapons respectively).

The Financial Investigations Program provides for the continued development and institutionalization of a financial investigations training program for state and local investigators at the Federal Bureau of Investigation Training Center at Quantico, Virginia. The primary components of the program are:

- o comprehensive training in specific financial investigative techniques for state and local investigators;
- o a component to train state and local trainers; and
- o the development of a computer classroom for longterm training in financial investigations and analysis.

This latter component features the development of a curriculum and the delivery of training in computer-based investigations. The first phase training has occurred at selected state and local sites. The primary focus in 1990 will be on continuation of the regional seminars and implementing training for state and local personnel at the recently completed computer training classroom at the Academy.

A new component for 1990 was the demonstration effort designed to develop and implement centrally coordinated multijurisdictional financial investigative activities involving tracing narcotics-related financial transactions, analyzing the movement of currency, identification of criminal financial structures and money laundering schemes and asset forfeiture administration. Emphasis will be on establishment of an interdisciplinary response to commonly shared major crimes related to drug trafficking conspiracies throughout a regional area. Critical to the success of this element of the program is a shared management system of intergovernmental law enforcement/prosecutorial resources. Participation by a prosecutor is a critical element of this program. Over 1,400 state and local investigators and prosecutors have been trained through the FBI training effort. Demonstration sites have been successfully implemented and effective.

The Drug Testing Throughout the Criminal Justice System Program was a new initiative for 1990. The program is designed in four components, each dealing with a different element of the criminal justice system:

- o **Pretrial Component:** This component will provide training, technical assistance and demonstration models for drug testing programs for pretrial arrestees. Under this component, criminal justice agencies will make use of drug testing results in rendering detention and release decisions and developing supervision and drug treatment programs for drug abusing arrestees. This program will assist pretrial service agencies with development of pretrial screening and monitoring programs.
- o **Probation and Parole Component:** This component will provide national training and technical assistance in the implementation of drug testing programs during probation and parole. Technical assistance and training will be provided to implement efficient and comprehensive drug testing programs for probation and parole staffs, and will address appropriate offender management tools such as the threat of additional sanctions and the institution of user fees.
- o **Correctional Drug Testing and Interdiction Component:** This component is designed to provide specific assistance to state and local correctional agencies in the establishment and implementation of policies and strategies to ensure drug-free institutions.
- o **Model Demonstration Sites:** This component will provide financial assistance for one or two jurisdictions, including statewide, to demonstrate a comprehensive drug testing system encompassing all stages of the criminal justice process, from pretrial to supervised release.

The Drug Use Forecasting program provides specific information on the prevalence and type of drug use among arrestees, in over 20 sites. A new component will collect data on illegal aliens held in local jails and lockups to provide better information on the involvement by illegal aliens in the trafficking of drugs, especially in the border areas. In 1989, more than 20,000 arrestees were studied. Based on the results of voluntary and anonymous interviews and urine tests of samples of male and female arrestees conducted each quarter, DUF has found that recent drug use among this group is dramatically higher than that reported for the general population. For the fourth quarter of 1989, for example, DUF results showed that from 49 to 81 percent of male arrestees tested positive for at least one drug. Cocaine was the most frequently detected drug in most of the DUF cities; from 23 to 72 percent of male arrestees tested positive for this drug.

DUF is an important new information resource that can inform drug control policies targeted among a highly-deviant segment of the population where drug use is likely to be entrenched. As the President's National Drug Control Strategy emphasizes, obtaining accurate and timely information about the dimensions of drug abuse is crucial for both national and state and local enforcement, treatment, and prevention strategies and policies. The DUF information network is a valuable resource for decisionmakers in participating cities as they devise strategies to deal with drug-using offenders and the crime they cause. The findings to date have supported the Administration's call for expanding drug testing for persons on pretrial release, probation, or parole.

The Intermediate Sanctions Demonstration, Training and Technical Assistance Program was a new initiative for 1990. The program is comprised of three components:

- o **Intermediate Sanctions (Boot Camp) Demonstration Component:** which will establish two boot camp demonstration sites to develop and enhance innovative intermediate sanctions that increase public safety and offer new sentencing options. The program is designed to assist state

- departments of corrections to develop, improve or expand model boot camp units. Key program components include effectiveness of project concept including drug/alcohol treatment services and a comprehensive post-release program emphasizing public safety.
- o **Intermediate Sanctions (Boot Camp) Training and Technical Assistance**-This component will provide training, technical assistance and documentation relative to development and enhancement of boot camp programs. BJA will collaborate with the National Institute of Corrections to provide funding for the development of a training curriculum, a technical assistance program and program documentation.
- o **Intermediate Sanctions (Boot Camp) Demonstration for Juvenile Offender**-This component is designed to assist juvenile justice systems to develop or expand model boot camp units for juveniles. Private sector involvement is encouraged. Up to three juvenile boot camp demonstration sites will be funded. Implementation of the program will be a collaborative effort by BJA and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which will administer the program.

The Improving Criminal History Information Systems Program is designed to address the requirements of The Anti-Drug Abuse Act of 1988 which directed the Attorney General to develop a system for the immediate and accurate identification of convicted felons attempting to purchase firearms. The Attorney General established a Task Force on Felony Identification in Firearms Sales, consisting of representatives of all Department of Justice components with expertise in this area, and the Department of Treasury. On October 22, 1989, the Task Force issued a report, from which the Attorney General selected Option 2A, which would provide for the use of a touch-tone phone by licensed firearm dealers to contact a criminal justice agency for access to criminal records information currently on file with the state or Federal government.

In order to make such a system feasible, the Attorney General directed the Federal Bureau of Investigation (FBI) to establish a complete and automated database of felons who are prohibited from purchasing firearms. The Task Force estimates that only 40 to 60 percent of conviction records are currently automated. To facilitate this effort, the FBI will develop, in conjunction with the Bureau of Justice Statistics (BJS), voluntary reporting standards for state and local law enforcement. This system will require significant effort and expenditure on the part of both the FBI and the states. This program will provide funding to assist the states in establishing the system improvements necessary to provide the required information to the FBI. The program will be administered by BJS.

This is a new initiative, started in 1990. BJA's support of states enhancements and needed system development will contribute to the successful implementation of the felon tracking system at the FBI and to the successful implementation of the statutory responsibilities of the Department of Justice to implement such a system. It is anticipated that additional funding in 1991 and 1992 will be provided by BJA to complete this initiative.

Entering its third year of operation, the Drugs and Crime Data Center and Clearinghouse has become a mature operation, playing a consequential role in national drug policy development. It is specifically referred to in two places in the January 1990 National Drug Control Strategy. First, in the Research Agenda and secondly, in the Management Agenda. In the past year, the Center and Clearinghouse have performed several tasks for the Department and the Office of National Drug Control Policy (ONDCP). One such task was the examination of the high intensity drug trafficking areas of the United States, which relied heavily on FBI and DEA data bases and became Appendix A in the President's National Drug Control Strategy released in January of this year. Clearinghouse operations are being expanded during 1990 and 1991 due to the results of a technical assessment called for in the President's Strategy of September 1989 (see page 84 of the Strategy). In addition, in response to a mandate of the President's Strategy in January of 1990 (see pp. 76-77), a meeting to assess the flaws and gaps in information needed for the

formulation of national drug policy was conducted in June 1990, under the auspices of the Center. The Clearinghouse has produced reports on "Federal Drug Data for National Policy" and "State Drug Resources: A National Directory" aimed at its constituency of state and local policymakers. These reports were prepared and timed for release at the May National Conference on State and Local Drug Policy, funded by the Department and addressed by the Attorney General. Finally, the Center has continued work on a comprehensive national report on drug use and crime modeled on BJS' highly successful Report to the Nation on Crime and Justice, under the guidance of senior Department personnel and timed for release after the President's next national drug control strategy.

The Drugs and Crime Data Center and Clearinghouse is administered by the Bureau of Justice Statistics and is funded under competitive cooperative agreement with Research Triangle Institute (RTI), which is the focal point for analytic activities. The principal sub-contractor is Aspen Systems Corporation, which houses the clearinghouse function. While RTI has undertaken much specialized analytic activity, the Clearinghouse operation has continued to provide a central source of information on drugs and crime for its special state and local constituency as well as for Congressional staff, the media, university and academic researchers, private sector inquirers, and the general public. Based on the statistical summary of requests received by the Clearinghouse, it has responded to over 5,700 inquiries, many of which are technical in nature and require several person hours of work, yet despite the demanding nature of many of the inquiries, the Clearinghouse has never received a complaint concerning the quality of service provided. The Clearinghouse's requests for service have continued to increase with the greater awareness of its existence in the criminal justice community. It will continue to grow sharply particularly in light of ONDCP plans to reach out to familiarize those attempting to meet National Strategy requirements with the information available at the Clearinghouse. ONDCP also plans to implement an expanded communications center. The analytic functions will increase as work is completed on the Drug National Report and several Special Reports on topics such as sanctioning offenders and prison overcrowding. These analytical reports will make a tremendous contribution to improving our national intelligence concerning drug policy.

Activity: Management and Administration	1991 as Enacted		1992 Base		1992 Estimate		Increase/Decrease	
	Perm.	Pos. . WY Amount	Perm.	Pos. . WY Amount	Perm.	Pos. . WY Amount	Perm.	Pos. . WY Amount
Management and Administration.....	354	354 \$25,169	354	354 \$26,641	346	346 \$26,780	-8	-8 \$139

Long-Range Goal: To administer programs in the most effective and efficient manner possible.

Major Objectives:

To provide executive direction, control and coordination over the various QJP programs.

To develop an annual research and development program plan.

To manage and analyze results of individual research programs and monitor all current research projects.

To conduct in-house research on timely topics and provide policy briefings to senior officials.

- To develop program models describing strategies to prevent and reduce crime.
- To produce and disseminate policy-relevant research findings to criminal justice officials and agencies at the Federal, State, and local levels.
- To maintain an effective, responsive criminal justice reference service.
- To collect, analyze, and publish statistical information on crime and the operations of the justice systems at all levels of government.
- To manage major national statistical series regarding crime, its victims, and the operation of the justice system.
- To develop national standards for justice statistics to ensure the inter-State comparability, reliability and validity of justice statistics.
- To provide support to State and local governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics.
- To develop statistical reports, focused analytic reports, bulletins and national advisories aimed at improving the understanding of the general public concerning crime, crime prevention, and the functions of law enforcement, judicial and correctional agencies.
- To provide technical assistance to eligible institutions, agencies and individuals regarding implementation and operation of programs.
- To direct and administer the Federal Surplus Property Transfer program and Private Sector/Prison Industry Enhancement Certification program.
- To process and determine eligibility of claims for payment of benefits under the Public Safety Officers' Benefit program within two weeks of receipt of complete claims documentation.
- To direct and administer the Anti-Drug Abuse program.
- To direct and administer the Emergency Federal Law Enforcement Assistance program and the Regional Information Sharing System program.
- To direct and administer the Missing Children's program and Juvenile Justice programs.
- To administer a program which provides grants to eligible crime victim compensation programs and a program which awards grants to States to provide victim assistance programs.
- To direct and administer a program which improves services to victims of Federal crimes.
- To direct and administer a program which will improve the investigation and prosecution of child abuse on Native American reservations.
- To direct and administer a training and technical assistance program aimed at eligible State crime victim programs.

To direct and administer a program that establishes and expands victim assistance services for crime victims in Indian Country in areas where the Federal Government has authority to investigate and prosecute crime.

To direct and administer a training and technical assistance program aimed at improving the law enforcement response to family violence.

To prepare and disseminate program solicitations; review applications, concept papers or proposals; rate applicants and award grants, contracts, and cooperative agreements.

To monitor all active grants, contracts, cooperative agreements, and interagency agreements.

To prepare annual reports as required.

To close out grants and contracts within 180 days of their end-date.

To provide grant review and award functions in the most economical and efficient centralized manner.

To provide the full range of support services to the program offices.

Base Program Description: The Office of Justice Programs (OJP) carries out policy coordination and general management responsibilities for the Bureau of Justice Assistance (BJA), Bureau of Justice Statistics (BJS), National Institute of Justice (NIJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC). Since the functions and responsibilities of the five program bureaus and offices are described in the justifications for those programs, they are not repeated here.

Accomplishments and Workload: The following table reflects some of the major workload and accomplishments of the Office of Justice Programs:

Item	Estimates	
	1991	1992
Grants and contracts awarded by NIJ.....	85	85
Policy reports prepared and published by NIJ.....	48	48
Research, development and evaluation projects monitored.....	320	320
Criminal justice conferences and workshops sponsored by NIJ.....	14	14
Responses to requests for criminal justice information.....	21,250	21,500
Other statistical reports prepared and published by BJS.....	26	26
Statistical bulletins, special and technical reports.....	16	16
Other statistical reports prepared and published by BJS.....	6	6
Statistical reports disseminated (in thousands).....	887	900
Responses to telephone requests for statistical information.....	9,000	9,500
Juvenile justice formula grants awarded.....	56	56
Juvenile justice special emphasis grants awarded.....	11	14

Risk Youth discretionary program. The seven positions would be responsible for the coordination and implementation of all activities related to that program, including the development of the initiatives, the award and monitoring of projects, and clerical support. The request would leave a staff of 53 positions in 1992 to administer both the High Risk Youth and Missing Children programs and to responsibly close down the Juvenile Justice program. The existing grants will require monitoring, guidance and assistance for a few more years. The 1991 formula grants will still be active into mid-1994 and discretionary grants that were awarded in 1991 will still be active until at least 1993. To allow OJJDP to responsibly close out the program in a gradual, fiscally-sound fashion, an additional cut of sixteen positions will be proposed in 1993, another reduction of sixteen is anticipated in 1994, and the final reduction of ten positions would take place in 1995, leaving a staff of eleven to administer both the High Risk Youth and Missing Children programs.

In 1991, fifty percent of the cost of the pay raise for that year was absorbed within existing resources. Also, the Department was required to absorb the entire 1991 pay increase for Executive Level employees and one-half of the 1991 pay increase for SES employees. For 1992, a total increase of \$495,000 is requested, which represents that portion of the 1991 regular pay raise that was absorbed (\$333,000) and the amount absorbed for 1991 pay increases for Executive Level and SES employees (\$162,000). Although absorption of the pay raise with existing resources will not have a deleterious effect in 1991, the increase requested will allow OJP to ensure adequate resources are devoted to travel and printing. Resources for travel must be adequate to allow the continuation of financial and programmatic project monitoring and the provision of on-site technical assistance. It is necessary that these functions be performed to ensure that funds are properly spent by grantees. Similarly, instructions, guidelines, program briefs and monographs, program reports and source manuals must be published and widely disseminated to decisionmakers throughout the criminal justice system.

A program increase of \$94,000, one position, and one workyear is necessary to support the Department's conversion to the U.S. Department of Agriculture (USDA) Payroll/Personnel System at the National Finance Center. The requested funding will be used to cover the costs of parallel DOJ/USDA system operation for the duration of the conversion period, as well as to fund unique Departmental system requirements. Conversion to the USDA system will provide substantial automated systems enhancements to personnel and payroll operations in the Department. In addition, it will achieve an OMB/JFIF objective for the consolidation of Federal personnel/payroll systems.

Office of Justice Programs
Justice Assistance
Financial Analysis -- Program Changes
(Dollars in thousands)

Item	Criminal Justice Statistical Programs		Juvenile Justice Program		Mariel Cubans		Regional Information Sharing System	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
GS/GM-14.....
GS-13.....
GS-12.....
GS-11.....
GS-9.....
GS-7.....
GS-6.....
GS-5.....
Total positions and annual rate.....
Lapse (-).....
Absorption of prior year pay raise.....
Total workyears and personnel compensation
Personnel benefits.....
Travel and transportation of persons.....
Communications, utilities & misc. charges.....
Printing and reproduction.....
Other services.....	...	\$950	...	-\$3,942	...	...	...	...
Supplies and materials.....
Grants, subsidies and contributions.....	-60,610	...	-\$4,963	...	-\$14,000
Total program workyears and obligations, changes requested, 1992.....	...	950	...	-64,552	...	-4,963	...	-14,000

Office of Justice Programs
Justice Assistance
Financial Analysis - Program Changes (Cont'd)
(Dollars in thousands)

Grades	Item	Management & Administration							
		Program Increase		Program Decrease		Subtotal		Total	
		Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
	GS/OH-14.....	...	...	-2	-\$83	-2	-\$83	-2	-\$83
	GS-13.....	...	...	-2	-71	-2	-71	-2	-71
	GS-12.....	...	...	-1	-36	-1	-36	-1	-36
	GS-11.....	...	...	-1	-30	-1	-30	-1	-30
	GS-9.....	1	\$30	...	...	1	30	1	30
	GS-7.....	...	...	-1	-20	-1	-20	-1	-20
	GS-6.....	...	...	-1	-18	-1	-18	-1	-18
	GS-5.....	...	...	-1	-16	-1	-16	-1	-16
	Total positions and annual rate.....	1	30	-9	-274	-8	-244	-8	-244
	Lapse (-).....	...	...	...	...	...	...	...	...
	Absorption of prior year pay raise.....	...	492	...	...	...	492	...	492
	Total workyears and personnel compensation	1	525	-9	-274	-8	251	-8	251
	Personnel benefits.....	...	6	...	-44	...	-38	...	-38
	Travel and transportation of persons.....	...	...	...	-10	...	-10	...	-10
	Communications, utilities & misc. charges.....	...	13	...	...	...	13	...	13
	Printing and reproduction.....	...	...	...	-5	...	-5	...	-5
	Other services.....	...	45	...	-111	...	-66	...	-66
	Supplies and materials.....	...	...	...	-6	...	-6	...	-6
	Grants, subsidies and contributions.....	...	...	...	...	...	...	...	...
	Total program workyears and obligations, changes requested, 1992.....	1	589	-9	-450	-8	139	-8	-82,426

Office of Justice Programs

Justice Assistance

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. Section 102(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Assistant Attorney General to submit an annual report to the President and Congress by March 31 of each year. The fiscal year 1990 report will be submitted on time.
2. Section 810 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice to submit to the President and the Speaker of the House of Representatives and the President of the Senate by April 1 of each year, a report on their activities from the preceding fiscal year. The fiscal year 1990 annual reports for each unit will be submitted on time.
3. Section 405(a)(5) of the Missing Children's Assistance Act, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to submit a report to the President and Congress not later than 180 days after the end of each fiscal year, which: (1) contains a comprehensive plan to facilitate coordination and cooperation among agencies and organizations with missing children responsibilities; (2) identifies effective Federal, State and local coordination and cooperation models for locating and recovering missing children; (3) identifies effective program models that provide treatment, counseling, or other aid to parents of missing children or children who have been victims of abduction; (4) describes how the Administrator provided adequate staff and agency resources to carry out title IV responsibilities; (5) describes the number and types of telephone calls received over the national toll-free telephone and the referrals to RRS's national communications system (runaway hotline); (6) describes the activities of the national resource center and clearinghouse; (7) describes all programs assisted under the Section 405 discretionary grant program in the preceding fiscal year; (8) summarizes all missing children research completed in the preceding year under title IV; and (9) identifies each clearinghouse assisted under Section 405(a)(9) in the preceding fiscal year, the activities carried out, the types and amount of other assistance received, and specifies the number and types of cases handled/resolved and the circumstances of each case. The report for fiscal year 1990 is due March 31, 1991 and is expected to be submitted on time.
4. Section 408 of the Missing Children's Assistance Act, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to begin a study within one year from the enactment of the 1988 amendments (by November 18, 1989) to determine obstacles to the recovery by legal custodians of children who have been removed by a noncustodial parent. The study is to be completed, and a report submitted to the Congress discussing and summarizing the results, within three years (by November 18, 1991). A grant for this study has been awarded. The report is expected to be submitted on time.
5. Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to submit an annual report to the President and Congress within 180 days of the end of each fiscal year. The report must contain: (1) a detailed summary and analysis of juvenile custody data, including offender type, offense, race, gender, age, facility type, and death rate information; (2) a description of part A funded activities; (3) a description of each State's compliance with Section 223 and the State plan; (4) a summary of each part C or part D funded program or activity, evaluation information and an assessment of replication potential; and (5) a description of exemplary delinquency prevention on programs funded under title II. The report for fiscal year 1990 is due March 31, 1991 and is expected to be submitted on time.

Office of Justice Programs

Justice Assistance

**Status of Congressionally Requested
Studies, Reports, and Evaluations (Cont'd)**

6. Section 248 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to do two studies, each of which is to be stated within one year from enactment of the 1988 amendments (by November 18, 1989) and completed within three years (by November 18, 1991), with a description and summary of the results submitted to the Congress. The studies would: (1) review conditions in juvenile detention and correctional facilities, the extent to which such facilities meet national standards, and make recommendations to improve conditions in such facilities; and (2) determine (a) how American Indian and Alaskan Native juveniles accused of committing offenses on or near Indian reservations and Alaskan Native villages, respectively, are treated under reservation/village justice systems that perform law enforcement functions; (b) the financial resources available to Indian tribes and Alaskan Native organizations that perform law enforcement functions to support community-based alternatives to incarcerating juveniles; and (c) the extent to which such tribes and organizations comply with the DOJ separation and jail removal requirements of the JJDP Act. Grants for both studies have been awarded. The reports are expected to be submitted on time.
7. Section 520(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the National Institute of Justice to annually report to the President, the Attorney General, and the Congress on the nature and findings of the evaluation and research and development activities funded under Sections 501(c), 506 and 511. The Institute will report on its program to evaluate anti-drug programs and will report on anti-drug research and development projects initiated since the passage of the Anti-Drug Abuse Act of 1988. The fiscal year 1990 report is scheduled for completion in April, 1991.
8. Section 522(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the Bureau of Justice Assistance not later than 180 days after the end of each fiscal year to submit to Congress a report that includes with respect to each State (1) the aggregate amount of grants made under subpart 1 and subpart 2 to such State for such fiscal year; (2) the amount of such grants awarded for each of purposes specified in subpart 1; (3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a); (4) an explanation of how Federal funds provided under this part have been coordinated with Federal funds provided to States for drug abuse education, prevention, treatment, and research activities; and (5) evaluation results of programs and projects and State strategy implementation. The report for fiscal year 1990 is due March 31, 1991 and will be submitted on time.
9. Section 609U of the Justice Assistance Act of 1984 requires the Attorney General to submit to the President and Congress by April 1 of each year, a report describing Federal law enforcement emergency assistance provided during the calendar year preceding the date the report is made. The report for 1990 will be submitted on time.

Note: Congressionally requested "annual reports" for OJP agencies will be published in a consolidated OJP annual report.

Office of Justice Programs

Justice Assistance

Priority Rankings

Base Program		Program Increase	
Program	Ranking	Program	Ranking
Management and Administration	1	Criminal Justice Statistical Programs	1
Criminal Justice Statistical Programs	2	Management and Administration	2
Research, Evaluation, and Demonstration Programs	3		
Missing Children	4		
Anti-Drug Abuse Program	5		
Juvenile Justice Program	6		
Regional Information Sharing System	7		
Harriet Oubans	8		

Office of Justice Programs
Justice Assistance
Detail of Permanent Positions by Category
Fiscal Years 1990 - 1992

Category	1990 Authorized	1991 Authorized	1992		Total
			Program Increase	Program Decrease	
Attorneys(905).....	12	12	...	...	12
Other Legal and Kindred (900-998).....	2	2	...	...	2
Social Sciences, Economic and Kindred (100-199).....	102	103	...	-5	98
Personnel Management (200-299).....	10	10	1	...	11
General Admin., Clerical and Other Services (300-399)...	144	144	...	-4	140
Accounting and Budget (500-599).....	22	22	...	...	22
Engineering and Architecture Group (800-899).....	1	2	...	...	2
Information and Arts Group (1000-1099).....	9	9	...	...	9
Business and Industry Group (1100-1199).....	14	14	...	...	14
Library and Archives Group (1400-1499).....	3	3	...	...	3
Mathematics and Statistics Group (1500-1599).....	30	30	...	...	30
Equipment, Facilities and Service Group (1600-1699)....	1	1	...	...	1
Supply Group (2000-2099).....	2	2	...	...	2
Total.....	352	354	1	-9	346
Washington.....	352	354	1	-9	346

**Office of Justice Programs
Justice Assistance
Summary of Change
(Dollar in thousands)**

	Frm. For.	Work- Years	Amount
1991 as enacted.....	354	354	\$660,179
Adjustments to base:			
Mandatory increases:			
One additional compensable day.....			
1991 pay annualization.....			76
1992 pay raise.....			287
Annualization of Executive Level/Senior Executive Service pay increases.....			533
General pay reform costs.....			81
Accident compensation.....			60
Unemployment compensation redistribution.....			90
Health benefits.....			14
Federal Employees Retirement System (FERS).....			52
Federal Insurance Contributions Act (FICA).....			41
Travel: mileage.....			17
Government Printing Office (GPO) and Department printing.....			9
Financial operations and systems service.....			58
Security investigations.....			7
Security reinvestigations.....			4
General Services Administration (GSA) rent.....			100
GSA recurring reimbursable services.....			147
Total, mandatory increases.....			6
1992 Base.....	354	354	660,179
Program changes:			
Criminal Justice Statistical Programs.....			950
Juvenile Justice Programs.....			-64,532
Mariel Cubans.....			-4,963
Regional Information Sharing System.....			-14,000
Management and Administration.....			-3
Total, program changes.....			-82,428
1992 Estimate.....	354	346	579,335

Office of Justice Programs

Justice Assistance

Justification of Adjustments to Base
(Dollars in thousands)

	Amount
Mandatory increases:	
1. One Additional Compensable Day..... The annual salary rate for Federal employees is based on 260 paid days. 1992 has one more compensable day (262) than 1991 (261). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request include \$66,000 for pay and \$10,000 for benefits.	\$76
2. 1991 Pay Annualization..... This pay annualization represents first quarter amounts (October through December) of the 1991 4.1 percent pay increase effective in January of 1991 plus appropriate personnel benefits (\$248,000 pay and \$39,000 benefits).	287
3. 1992 Pay Raise..... This request provides for the proposed 4.2 percent pay raise to be effective in January of 1992. The amount requested, \$533,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$460,000 pay and \$73,000 benefits - \$533,000).	533
4. Annualization of Executive Level and Senior Executive Service Pay Increases..... This request of \$81,000 represents only the first quarter costs (October through December) of the Executive Level and Senior Executive Service proposed salary increases effective in January of 1991 (\$70,000 for pay and \$11,000 for benefits).	81
5. General Pay Reform Costs..... The request for costs covered by the Federal Employees Pay Comparability Act of 1990 established essential Departmental cost requirements for this new government-wide pay system, which attempts to achieve full pay parity between Federal and non-Federal employees on a geographic basis. This increase allows \$60,000 for fifty percent of the Department's request for two provisions contained under this Act: staffing differential costs for GS-5, 7, 9, occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide adjustments for new positions, appropriate benefits, vacancy rates and cost-of-living increases. No increases are requested for discretionary allowances. The remaining unfunded fifty percent for this initiative will be required to be absorbed. Currently, however, no decisions have been made regarding base level funding cuts for this purpose.	60
6. Accident Compensation..... This increase reflects the billing provided by the Department of Labor for the actual costs in 1990 of employees' accident compensation. The 1992 amount will be \$116,000 or \$90,000 over the 1991 base.	90

7.	Unemployment Compensation Redistribution.	Amount
	This increase reflects the most recent complete annual billing provided by the Department of Labor for employees' unemployment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. The 1992 amount will be \$37,000, or 61 percent over the 1991 base.	\$14
8.	Health Benefits.	52
	The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be sixty percent of the total rate commencing in 1975. Effective the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 16 percent due primarily to changes in enrollment plan since several plans are no longer available. The requested increase of \$52,000, or 11 percent, provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year.	
9.	Federal Employees Retirement System (FERS).	41
	This request provides for the additional costs in 1992 necessary to continue the implementation of the Federal Employees Retirement System Act of 1986, P.L. 99-335. This Act established a retirement program for Federal civilian employees and Postal workers hired after December 31, 1983 who are covered by Social Security and for employees under the Civil Service Retirement System who elected to transfer to this system. This increased requirement of \$41,000 for 1992 is based on actual agency payments in 1990 for the basic FERS annuity, Social Security and Thrift Savings Plans.	
10.	Federal Insurance Contributions Act (FICA).	17
	Beginning the first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated increased to \$51,300. In addition, the rate increased to 7.65 percent. Medicare rates remained at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. This increase of \$17,000 is computed based on these rate changes.	
11.	Travel: Mileage.	9
	The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$9,000 for this change in allowance.	
12.	Government Printing Office (GPO) and Department Printing.	58
	GPO is currently projecting a six-percent increase over the 1991 printing costs of \$960,000. An additional \$58,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.	
13.	Financial Operations and Systems Service (FOS).	7
	This request provides for the additional costs in 1992 for FOS and the Department's Financial Management Information System (FMIS) processing charges. A 7.5 percent increase is required for these charges. For 1991, no mandatory increase was requested. Personnel, benefits, space, printing, and data processing rates have all increased over time. Therefore, an increase of \$3,000 is requested for 1992. In addition, a redistribution of budget authority, based on actual costs, is necessary. The requested redistribution amount is \$4,000.	

	Amount
14. Security Investigations..... The Office of Personnel Management (OPM) has notified users of an 8 percent increase in the standard rate charged for each full-field investigation over the 1991 base cost of \$2,300. The mandatory increase is calculated on the separation rate of 2 persons for 1991 (based on 1990 actuals) for a total increase of \$4,000.	\$4
15. Security Reinvestigations..... The security reinvestigation program has been receiving widespread attention due to the increase in espionage cases and the many situations where employees, who had been working in their jobs for a number of years, were discovered to be involved in various activities that were detrimental to the Nation's security. The OPM Federal Personnel Manual, Chapter 736 requires incumbents of certain positions to be reinvestigated, at a minimum, every 5 years. By 1992, the Department will require over 7,600 employees to be reinvestigated in each of the next 5 years to address the already existing backlog. An increase of \$100,000 will be required in 1992.	100
16. General Services Administration (GSA) Rent..... GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the tremendous increase in rental charges, GSA has allowed an overall 15 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the buildings the organization is actually occupying. The requested increase of \$147,000 provides for this actual increase over the expected 1991 bill level.	147
17. GSA Recurring Reimbursable Services..... Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in excess of normal working hours. GSA estimates that a 15 percent increase is needed for the Department, although increases (or decrease) amounts by organization vary based on anticipated actual billings. This request for \$6,000 includes a Departmental redistribution to meet these actual needs as well as the 15 percent increase over our projected 1991 base. Total uncontrollable increases..... Total, adjustments to base.....	6 <u>1,582</u> <u>1,582</u>

Office of Justice Programs
Justice Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$108,300.....	6		6		6			
ES-5, \$101,750.....	1		1		1			
ES-4, \$100,500.....	5		6		6			
ES-3, \$95,300.....	2		2		2			
ES-2, \$92,980.....	1		2		2			
GS/GR-15, \$81,643-80,138.....	32		30		30			
GS/GR-14, \$82,406-80,129.....	64		64		62		-2	
GS/GR-13, \$84,348-81,650.....	69		69		67		-2	
GS-12, \$37,294-48,481.....	46		47		46		-1	
GS-11, \$31,116-40,449.....	15		16		15		-1	
GS-10, \$28,322-36,818.....	1		1		1			
GS-9, \$25,717-33,430.....	28		28		29		1	
GS-8, \$23,284-30,268.....	10		10		10			
GS-7, \$21,023-27,332.....	30		30		29		-1	
GS-6, \$18,919-24,598.....	14		14		13		-1	
GS-5, \$16,973-22,067.....	18		18		17		-1	
GS-4, \$15,171-19,725.....	8		8		8			
GS-3, \$13,515-17,574.....	2		2		2			
1992 pay increase.....						\$613		\$613
Total, appropriated positions.....	352	\$14,667	354	\$16,116	346	16,524	-8	408
Pay above stated annual rates.....				53		119		66
Lapses.....	-80	-2,490	-8	-250	-8	-260		-10
Savings due to lower pay scales for part of year.....		-117		-195		-158		37
Net full-time permanent.....	272	12,060	346	15,724	338	16,225	-8	501
Other than permanent:								
Part-time permanent.....	6	225	5	190	5	202		12
Temporary employment.....	35	1,651	3	100	3	108		8
Other personnel compensation:								
Overtime.....		26		26		26		
Other compensation.....		234		224		224		
Special personal services payments.....		99		150		150		
Total, workyears and personnel compensation.....	313	16,295	354	16,414	346	16,935	-8	521
Average ES Salary.....		(\$85,922)		(\$100,763)		(\$101,830)		
Average GS/GR Salary.....		(\$39,777)		(\$42,739)		(\$44,964)		
Average GS/GR Grade.....		(11.14)		(11.12)		(11.13)		60

Office of Justice Programs
Justice Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1990 Actual		1991 Estimate		1992 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	272	\$12,060	346	\$15,724	338	\$16,225	-8	\$501
11.3 Other than full-time permanent.....	41	1,876	8	290	8	310	...	20
11.5 Other personnel compensation.....	...	260	...	250	...	250	...	...
11.8 Special personnel services payments.....	99	...	150	...	...	150	...	...
Total, workyears and personnel compensation.....	313	14,295	354	16,414	346	16,935	-8	521
12 Personnel benefits.....	2,222	...	2,626	...	2,905	...	279	...
13 Benefits for former personnel.....	...	...	7	...	21	...	14	...
21 Travel and transportation of persons.....	557	...	548	...	693	...	145	...
22 Transportation of things.....	15	...	3	...	3	...	...	...
23.1 GSA rent.....	1,869	...	2,184	...	2,331	...	147	...
23.2 Rental payments to others.....	11	...	62	...	65	...	3	...
23.3 Communications, utilities, and miscellaneous charges.....	1,197	...	958	...	1,039	...	81	...
24 Printing and reproduction.....	806	...	1,053	...	873	...	-180	...
25 Other services.....	31,581	...	51,838	...	55,027	...	3,189	...
26 Supplies and materials.....	446	...	406	...	412	...	6	...
31 Equipment.....	242	...	251	...	256	...	5	...
41 Grants, subsidies, and contributions.....	559,839	...	609,030	...	498,775	...	-110,255	...
42 Insurance claims and indemnities.....	2,714	...	...	...	...	...	...	...
Total obligations.....	615,794	...	685,380	...	579,335	...	-106,045	...
Recovery of prior year obligations.....	...	...	...	...	...	...	...	...
Unobligated balance, start-of-year.....	...	4,986	...	...	...	...	...	...
Unobligated balance, end-of-year.....	...	-21,720	...	-25,201	...	...	...	...
Total requirements.....	614,290	...	660,179	...	579,335	...	...	...
Relation of obligations to outlays:								
Total obligations.....	615,794	...	685,380	...	579,335	...	...	...
Obligated balance, start-of-year.....	370,404	...	633,464	...	717,628	...	...	...
Obligated balance, end-of-year.....	-633,464	...	-717,628	...	-813,601	...	...	...
Adjustments in unexpired accounts.....	...	...	...	...	...	...	...	...
Outlays.....	347,748	...	601,216	...	483,162	...	...	...

Office of Justice ProgramsJustice AssistanceConsulting and Related Services
(Dollars in thousands)

	1990 Actual	1991 Estimate	1992 Estimate
Contractual Services:			
Consulting Services.....	\$139	\$146	\$153
Management and Professional Services.....	35	50	60
Special Studies and Analysis.....	8	10	12
Subtotal.....	182	206	225
Personnel Appointments:			
Consulting Services.....	28	37	...
Management and Professional Services.....	...	...	...
Special Studies and Analysis.....	...	...	...
Total.....	210	243	225

Contractual services are used in the Office of Justice Programs (OJP) only when the required services are more cost effective or efficient to obtain by contract. The majority of management and professional support services are required to support mandated program areas which have been selected for national emphasis. Increases forecasted for 1991 and 1992 are based on anticipated follow-on contractual actions to existing contracts and purchase orders.

Personnel appointments reported are due to services required that should not be performed in-house and legislative changes that occurred where expertise was needed that could not be performed in-house. The increase for 1991 is related to the time period remaining on 1990 appointments, which will expire during this fiscal year. No personnel appointments for consulting and related services are anticipated for 1992.

Department of Justice
Office of Justice Programs
Crime Victims Fund
Estimates for Fiscal Year 1992
Table of Contents

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Office of Justice Programs

Crime Victims Fund

Summary Statement

Fiscal Year 1992

The Crime Victims Fund was established by the Victims of Crime Act of 1984, as amended by the Children's Justice and Assistance Act of 1986, reauthorized by the Anti-Drug Abuse Act of 1988 (P.L. 100-690), and amended by the Crime Control Act of 1990 (P.L. 101-647). Current legislation provides for the deposit into the Fund of Federal criminal fines, bond forfeitures, and penalty assessments up to \$150,000,000 for fiscal years 1991 through 1994. These funds are used for five programs: 1) reimbursements to States for victim compensation programs (40% of their prior year expenditures); 2) allocations to each State for the purpose of providing services to eligible crime victims assistance programs; Federal law enforcement officers, prosecutors and victim/witness coordinators, and for the financial support of victims of Federal crimes by eligible crime victim assistance programs; 4) Children's Justice/Child Abuse Prevention and Treatment grants, a program administered by the Department of Health and Human Services; and 5) of the Children's Justice allocation, up to \$675,000 is retained by the Office for Victims of Crime to be used for Native American tribes to improve the handling of child abuse cases. The Judicial Branch will receive the first amount of excess collected above the cap of \$150,000,000 -- up to \$2,200,000, for specified administrative costs; any funds collected thereafter will be transferred to the General Fund of the Treasury. Collections are expected to total approximately \$152,200,000 in 1991 for obligation in 1992 and \$152,200,000 in 1992 for obligation in 1993, of which \$2,200,000 would be transferred to the Administrative Office of the U.S. Courts.

Office of Justice Programs

Crime Victims Fund

Summary of Requirements
(Dollars in thousands)

	1990 Actual	1991 Estimate	1992 Estimate
Financing			
Unappropriated balance, start of year.....	\$133,540	\$146,227	\$132,200
Receipts a/.....	146,227	152,200	152,200
Transfer to general fund receipts.....	-6,340	-19,027	...
Transfer to Administrative Office of U.S. Courts.....	-2,200	-2,200	-2,200
Unappropriated balance, end of year.....	<u>-146,227</u>	<u>-152,200</u>	<u>-152,200</u>
Appropriation.....	125,000	125,000	150,000
Recovery of prior year obligations.....	770	...	...
Unobligated balance available, start of year.....	1,999	3,178	...
Unobligated balance available, end of year.....	<u>-3,178</u>	<u>...</u>	<u>...</u>
Unobligated balance lapsing.....	<u>-520</u>	<u>...</u>	<u>...</u>
Obligations.....	124,061	128,178	150,000
Obligations by Program			
Victim Compensation.....	46,961	57,771	68,500
Victim Assistance.....	64,801	57,761	68,500
RHS/Children's Justice.....	9,194	9,456	9,325
Children's Justice/Native American.....	665	1,316	675
Federal Program.....	<u>2,439</u>	<u>1,894</u>	<u>3,000</u>
Total Obligations.....	124,061 b/	128,178	150,000

a/ Funds are obligated the year after they are collected.

b/ Does not add due to rounding.

Office of Justice Programs
Crime Victims Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Crime Victims Fund	1990 Actual		1991 Estimated		1992 Estimated		Increase/Decrease	
	Obligations	Perm.	Obligations	Perm.	Obligations	Perm.	Per. Yr.	Amount
	Pos.	Yr.	Pos.	Yr.	Pos.	Yr.	Pos.	Yr.
Crime Victims Fund.....	...	\$124,061	...	\$128,178	...	\$130,000	...	\$21,822

Long-Range Goal: To encourage all States and Federal territories to provide victims of crime access to compensation and assistance programs designed to reduce the emotional, financial, and physical effects of victimization, and to support and facilitate the participation of crime victims in the criminal justice process.

Major Objectives:

- To implement the provisions of the Victims of Crime Act of 1984, as amended.
- To monitor State compensation and victim assistance programs to ensure compliance with Federal guidelines.
- To monitor State victim assistance grants for Native American reservations.
- To provide technical assistance to the States in implementing victim assistance and victim compensation programs.
- To provide technical assistance to the Native American organizations which serve Federal crime victims.
- To compile and analyze data submitted by the State programs, and report to Congress on impact of Federal funding.
- To monitor compliance with the Attorney General's Guidelines for Victim and Witness Assistance in agencies with Federal law enforcement or prosecutorial responsibilities.
- To provide technical assistance support to Federal victim/witness coordinators, other U.S. Attorney and Federal investigative personnel.
- To provide limited, direct assistance to unserved victims of Federal crimes.
- To develop and implement a program to improve handling of child abuse cases on Native American Indian Reservations.

To implement the provisions of the Crime Control Act of 1990 concerning courtroom protocol for child abuse victims.

To encourage compliance with the Federal Victims Bill of Rights.

To provide training for Federal law enforcement agencies regarding implementation of the Victim Witness Protection Act.

To manage national scope discretionary grants that provide information or training to improve services to crime victims.

Base Program Description: The Victims of Crime program is funded by collections of fines, penalty assessments, and bond forfeitures from people convicted of Federal crimes. The Fund was established by the Victims of Crime Act of 1984 (P.L. 98-473), as amended by the Children's Justice and Assistance Act of 1986 (P.L. 99-401), and reauthorized by the Anti-Drug Abuse Act of 1988 (P.L. 100-690). The Crime Control Act of 1990, which was enacted on November 29, 1990, raised the cap for deposits into the Crime Victims Fund, in 1991 and thereafter, from \$125 million to \$150 million. Pursuant to statute, the first \$100 million deposited into the Fund is allocated as follows: 49.5% victim compensation; 45% victim assistance; 4.5% Children's Justice Act; and 1% for Training and Technical Assistance and Federal crime victim services. If deposits into the Fund exceed \$100 million, the next \$5.5 million shall be available for the Children's Justice program. Any available amount in excess of \$105.5 million and up to \$110 million would be available for the Victim Assistance program for States. Of the money deposited in the Fund above \$110 million and up to the cap of \$150 million, 47.5% will be made available for compensation programs under Section 1403 (up to \$68.5 million total); 47.5% will be made available for assistance programs under Section 1404(a) (up to \$68.5 million total); and 5% will be made available for services to victims of Federal crime under Section 1404(c)(1)(B) (up to \$2.5 million total). Up to \$2.2 million collected in excess of the cap will be made available for the Judicial Branch. Funds are not obligated during the year of collection; instead, they are allowed to accumulate for one year so that the total amount available for obligation for the next year is determined in advance. Approximately \$133.5 million was deposited into the Fund during 1989 and collections totalled \$146.2 million in 1990. It is anticipated that collections will reach \$150 million in 1991 for the 1992 Victims of Crime program.

Funds are targeted at five program areas: 1) Crime Victim Compensation - The legislation sets aside 49.5 percent of the first \$100 million in the Fund, and 47.5 percent of the amount exceeding \$100 million up to the Fund ceiling, for this purpose. These funds are distributed to the States on the basis of 40 percent of their eligible victim compensation payouts during the preceding fiscal year. 2) Crime Victim Assistance - Forty-five percent of the first \$100 million in the Fund, plus \$4.5 million of amounts between \$103.5 million and \$110 million are also set aside for victim assistance grants, with 47.5 percent of the amount exceeding \$110 million up to the Fund ceiling, is set aside to be awarded to States for the purpose of providing services, other non-financial assistance, and limited emergency financial assistance to innocent victims of crime. Priority must be given to eligible crime victim assistance programs which provide assistance to victims of sexual assault, spousal abuse, child abuse, and victims previously unserved. Recipient organizations eligible for victim assistance funding would be non-profit organizations, agencies of State or local governments (or combinations of such entities) which provide services to victims of crime, including crisis intervention services, emergency aid, and assistance to victims participating in criminal justice proceedings. 3) Training and Technical Assistance and Federal Victims Assistance - Up to \$5 million of the Crime Victims Fund shall be allocated for training and technical assistance services to eligible crime victim assistance programs, and at least \$2.5 million of the Crime Victims Fund shall be allocated for the financial support of services to victims of Federal crime. 4) Children's Justice - The legislation requires that up to \$9.125 million shall be made available to the Department of Health and Human Services for grants to States to assist in developing, establishing, and operating programs designed to improve the handling of child abuse cases and the investigation and prosecution of cases of child abuse, particularly child sexual abuse. 5) Children's Justice/Native American - The 1988 amendments require that 15 percent of the first \$4.5 million (\$675,000) earmarked for

the Children's Justice Act be retained by OVC to conduct projects with similar purposes as the HHS program but aimed at Native American Indian tribes.

Management and Administration expenses for the Office for Victims of Crime are included in the "Justice assistance" appropriation.

Accomplishments and Workload: During 1991, the Office for Victims of Crime (OVC) expects to award funds to 44 States for victim compensation programs and 57 States and territories for victim assistance programs. In 1992, the Office anticipates awarding funds to 46 States for victim compensation programs. One or two meetings of appropriate State officials are to be convened by the Office to facilitate monitoring and administrative review of the compensation and assistance grant programs. Training and technical assistance will be provided to State administrators during 1991 and 1992.

In 1991, OVC initiated the Children's Justice Act (CJA) grant program for Native Americans and awarded 20 grants totalling \$1,083,472 directly to tribes. The purpose of the CJA grant program is to enable Federally-recognized Indian tribes to improve the investigation, prosecution, and handling of child abuse cases in a way that lessens trauma to the child victim. These grants are resulting in a range of systemic improvements that include: training for multi-disciplinary teams; revision of tribal codes to address child abuse; child advocacy services for children involved in the court process; protocols for reporting, investigating, prosecuting, and treating child sexual abuse cases; and improved case management and treatment services.

The Office completed grants to several national organizations for training and technical assistance to victim assistance programs; grants to develop guidelines for the role of law enforcement in child abuse cases; to provide direct services to sexually exploited minors and to conduct training in this area; to provide training to clergy on domestic violence and other victims' issues; grants to provide to improve services for survivors of homicide; a grant to Parents of Murdered Children to strengthen and increase the number of chapters and services available nationwide; and a grant to improve State compensation services.

To directly aid victims of Federal crime, OVC allocated \$100,000 to the Executive Office for U.S. Attorneys (EOUSA) to be used by U. S. Attorneys, with OVC approval, to provide emergency services to Federal victims when no other services exist. Additionally, OVC will continue discretionary grant programs to support the development of programs to assist Federal victims of crime in Indian country. Under this program, grants were awarded to fifteen States to provide victim assistance services on Indian reservations. The States subgranted these Federal funds to 52 Indian tribes or tribal organizations that have initiated, expanded, or improved "on-reservation" services for violent crime victims. Efforts in 1990 included training programs for Federal prosecutors, investigators, and victim-witness coordinators on handling cases of child abuse in the Federal criminal justice system. In March 1991, OVC and the National Children's Advocacy Center in Huntsville, Alabama will co-sponsor a training conference on child sexual abuse. OVC worked with EOUSA to provide other specialized training opportunities for Federal law enforcement officials, including Assistant U. S. Attorneys, LECC/Victim-Witness Coordinators, and Federal investigators. Through a cooperative agreement with the Federal Law Enforcement Training Center, Federal law enforcement officers are trained to respond effectively to the needs of crime victims and comply with the provisions of the Victim and Witness Protection Act of 1982. On January 27-30, 1991, OVC sponsored special training for Federal, state, and tribal officials in Denver, Colorado on effective approaches to combatting child exploitation and responding to the large numbers of sexually exploited children.

Initiatives expected in 1992 include: a national conference on developing victim assistance services for crime victims in Indian country; regionally-based training for local and state law enforcement agencies on responding to family violence; Children's Justice Act (CJA) grants made directly to Indian tribes to improve the investigation, prosecution and handling of cases of child abuse, particularly child sexual abuse; training and technical assistance programs to assist Victim Assistance in Indian Country subgrantees and CJA grantees to establish "on reservation" services and train personnel; continued training for Federal law enforcement officers, Assistant U.S. Attorneys and Victim/Witness Coordinators; funds to enable U.S. Attorneys to provide emergency services to Federal victims; and continued support for the grant program to states for the development of victim assistance services in Indian country.

Program Changes:	1991 Obligations		1992 Obligations		Increase/Decrease	
	Perm. Pos.	FY Amount	Perm. Pos.	FY Amount	Perm. Pos.	FY Amount
Crime Victims Fund.....	...	\$128,178	...	\$150,000	...	\$21,822

The following chart displays a breakdown of estimated obligations by program. The obligation amount for 1991 includes \$125,000,000 collected in 1990, plus the 1990 sequestered amount of \$1,750,000, and the unobligated balance of \$1,428,045 carried over from prior years. In 1992, obligations represent the \$150,000,000 anticipated 1991 collections.

	Estimated 1991 Obligations		Estimated 1992 Obligations	
	Allocation of 1990 Collections	Unobligated Carryover *	Allocation of 1991 Collections	Estimated 1992 Obligations (Allocation of 1991 Collections)
Compensation.....	\$56,625	\$1,146	\$57,771	\$68,500
Assistance.....	56,625	1,116	57,741	68,500
RHS/Children's Justice.....	9,323	131	9,456	9,323
Children's Justice/Native American...	675	641	1,316	675
Federal Program.....	1,750	144	1,894	3,000
Total.....	125,000	3,178	128,178	150,000

* Includes \$1,750,000 unobligated in 1990 as a result of the Deficit Reduction target, available for obligation in 1991.

Office of Justice Programs

Crime Victims Fund

Status of Congressionally Requested
Studies, Reports, and Evaluations

Section 1407(g) of the Victims of Crime Act of 1984, as amended by the Anti-Drug Abuse Act of 1988, requires that the Director of the Office for Victims of Crime shall on December 31, 1990, and on December 31 every two years thereafter, report to the President and to the Congress on the revenue derived from each source described in section 1402 and on the effectiveness of the activities supported under this chapter. The Director may include in such report recommendations for legislation to improve this chapter. The initial report will be submitted by April 1, 1991.

Office of Justice Programs
Crime Victims Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1990 Actual Workyear Amount	1991 Estimate Workyear Amount	1992 Estimate Workyear Amount	Increase/Decrease Workyear Amount
11 Personnel compensation:				
11.1 Full-time permanent.....	...	...	...	...
11.2 Other than full-time permanent.....	...	...	...	...
11.3 Other personnel compensation.....	...	...	...	...
11.5 Special personal services payments.....	...	...	...	...
11.8 Total.....	...	...	...	...
Other objects:				
12 Personnel benefits.....	...	...	...	...
13 Benefits of former personnel.....	...	...	...	...
21 Travel and transportation of persons.....	\$38	\$38	\$38	...
22 Transportation of things.....	...	...	...	...
23.1 Standard level user charges.....	...	...	...	...
23.2 Rental payments to others.....	...	...	...	...
23.3 Communications, utilities and miscellaneous charges.....	...	...	...	...
24 Printing and reproduction.....	...	...	...	...
25 Other services.....	332	350	350	...
26 Supplies and materials.....	...	...	...	...
31 Equipment.....	...	...	...	...
41 Grants, subsidies, and contributions..	123,691	127,790	149,612	\$21,822
42 Insurance claims and indemnities.....	...	...	...	...
Total obligations.....	124,061	128,178	150,000	21,822
Relation of obligations to outlays:				
Obligated balance, start-of-year.....	93,901	117,189	123,094	...
Obligated balance, end-of-year.....	-117,189	-123,094	-117,095	...
Adjustments in unexpired accounts.....	-270	...	...	...
Outlays.....	100,003	122,273	155,999	...

Department of Justice
 Office of Justice Programs
 Public Safety Officers Benefits
 Estimates for Fiscal Year 1992
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Office of Justice Programs
Public Safety Officers' Benefits
Summary Statement
Fiscal Year 1992

The Office of Justice Programs is requesting, for 1992, a total of \$27,144,000 for the Public Safety Officers' Benefits (PSOB) Program. This request represents the 1992 base funding level.

The PSOB program provides for payment of a death benefit to eligible survivors of Federal, State, and local public safety officers whose death was the result of a traumatic injury sustained in the line of duty. Public safety officers covered by the program include, but are not limited to, police, corrections, probation, parole and judicial officers, public ambulance or rescue squad members, and firefighters. Amendments in the Anti-Drug Abuse Act of 1988 raised the benefit from \$50,000 to \$100,000 and provided for an annual cost of living escalation that is tied to the Consumer Price Index (CPI). In addition, the Crime Control Act of 1990 contains authority for a new Public Safety Officers' Disability Benefits Program, the total annual payments for which may not exceed \$5,000,000.

Office of Justice Programs

Public Safety Officers Benefits

Justification of Proposed Changes in Appropriation Language

The 1992 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Public Safety Officers Benefits

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended as authorized by section 609j of Public Law 100-690 (102 Stat. 4339-2240).

(Department of Justice Appropriations Act, 1991.)

Office of Justice Programs
Public Safety Officers Benefits
Crosswalk of 1991 Changes
(Dollars in thousands)

Activity/Program	Budget Request Amount	Reprogramming Amount	1991 Appropriation Enacted Amount
1. Public Safety Officers Benefits Program.....	\$26,075	...	\$26,075
Total.....	26,075	...	26,075

Office of Justice Programs
Public Safety Officers Benefits
Summary of Requirements
(Dollars in thousands)

	Amount			
Adjustments to base:				
1991 as enacted.....				
Mandatory increase.....	\$26,075			
General pricing level adjustment.....	1,062			
1992 base.....	27,144			
Estimates by budget activity		1991 as Enacted	1992 Base	1992 Estimate
1. Public Safety Officers		Amount	Amount	Amount
Benefits Program.....		\$26,075	\$27,144	...
Total.....		26,075	27,144	27,144

Office of Justice Programs
Public Safety Officers' Benefits
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Public Safety Officers' Benefits Program	1991 Appropriation Amount	1992 Base Amount	1992 Estimate Amount	Increase/Decrease Amount
Public Safety Officers' Benefits Program....	\$26,075	\$27,144	\$27,144	...

The Crime Control Act of 1990, enacted November 29, 1990, provides for a new Public Safety Officers' Disability Benefits Program, for which the Bureau of Justice Assistance and Office of Justice Programs are currently evaluating the legal requirements and provisions. Therefore, the following justification does not address the impact of this new program.

Long-Range Goal: To provide a death benefit payment to survivors of Federal, State and local public safety officers who have died as a result of personal injury sustained in the line of duty.

Major Objectives:

- To pay eligible claims within two weeks of the filing of a fully documented claim.
 - To issue determinations on ineligible claims within four weeks of the filing of the fully documented claim.
 - To conduct an appeal hearing within 60 days of an appellant's request.
 - To issue the appeal determination within 30 days of the official close of the appeal hearing.
- Basic Program Description: This activity addresses death benefits for the eligible survivors of Federal, State and local public safety officers who die from injuries received in the line of duty. The Anti-Drug Abuse Act of 1988 (P.L. 100-690) (42 U.S.C. 3796) authorizes a basic death benefit payment of \$100,000 when a Federal, State or local law enforcement officer, fire fighter, corrections officer, judicial official or public ambulance or rescue squad member dies, in a duty status, as the direct and proximate result of a traumatic injury. The Act also provides for an annual cost of living escalator tied to the Consumer Price Index (CPI). This escalator, on October 1 of every year, increases the benefit by the percentage of increase in the CPI. The benefit was increased on October 1, 1989, to \$109,460. If a widow and eligible children survive, the widow receives one-half of the benefit and the remaining one-half is apportioned among the children. If there are no eligible children, the widow receives the full benefit. Parents are eligible for the death benefit when a widow and/or eligible children do not survive the deceased public safety officer. Each year the amount of the payment will be adjusted by the annual percentage change in the Consumer Price

Index. The benefit increased from \$109,460 in 1990 to \$114,235 in 1991. The projected CPI increase of 4.1 percent in 1992 would bring the benefit to \$118,919.

Generally, the PSOS program staff receives a death report within one week of the public safety officer's death, usually from the employing agency. Claims are initiated by the PSOS staff when the death report is received. Employing agencies generally take from 75-80 days to file a complete claim. Eligible claims are paid within two weeks of being filed and documented; ineligible claims are processed within four weeks of being filed and documented.

When a claim is denied, appeal instructions are provided to the claimant. Appeals are heard within 60 days of the claimant's request and decisions are rendered within 30 days of the official close of the appeal hearing. Hearing officer denials may be appealed to the Director of the Bureau of Justice Assistance. Once an appeal is heard by the agency and the denial affirmed, the claimant may appeal directly to the U.S. Claims Court. Claims entering the Federal court system may take from six months to two years or more to resolve, depending on how rapidly the court and the claimant's attorney respond to statutory and procedural requirements.

Accomplishments and Workload: Actual and estimated workload and accomplishments of the Public Safety Officers' Benefits Program are presented in the following table. The administrative costs associated with the program are borne by the "Justice assistance" appropriation.

Item	Estimates		
	1989	1990	1991
Claims Initiated.....	332	255	310
Claims Closed.....	306	301	316
Agency Appeals Requested.....	11	14	12
Agency Appeals Closed.....	7	13	12
Court Appeals Initiated.....	...	1	2
Court Appeals Closed.....	1	1	2

* Figures include newly initiated claims and appeals as well as active claims and appeals carried over from a previous year.

Claim processing objectives have been met in that the average eligible claim was paid within two weeks of completed filing, and the average ineligible claim was closed within four weeks of certified documentation. Following is a summary of public safety officer death claims that were found eligible during the period 1979-1990:

Fiscal Year	Law Enforcement Officers	Fire Fighters	Corrections Officers	Others	Total Claims Paid	Total Amount Paid
1979	137	79	16	6	238	\$12,900,000
1980	153	70	6	5	234	11,700,000
1981	188	64	9	8	269	13,450,000
1982	152	56	7	2	217	10,800,000
1983	160	63	6	5	214	10,700,000
1984	134	44	8	2	188	9,400,000
1985	164	61	7	14	226	11,300,000
1986	130	37	5	8	180	9,000,000
1987	119	43	4	20	186	9,300,000
1988	120	48	10	8	186	9,300,000
1989:						
Newly initiated claims	155	60	5	10	230	21,575,150
Supplemental pay- ments *	11	8	---	---	12	950,000
1989 Total	166	68	5	10	249	22,525,150
1990	155	47	6	15	223	23,294,130

* Supplemental payments of claims paid in 1989 for deaths that occurred between June 1, 1988, and September 30, 1988, in accordance with the Anti-Drug Abuse Act of 1988.

Public safety officer line of duty deaths through 1988 had generally been declining from the program's starting years. The decline had occurred despite the fact that coverage was extended to Federal public safety officers in 1984 and to public rescue and ambulance squad members in 1986. The following chart illustrates this trend:

	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
Number of Deaths Reported....	349	379	322	291	282	302	237	259	277	257	225	234	322	255	310	310
															Est.	Est.

A significant increase in deaths reported during 1989 reversed a long-term decline in reported public safety officer deaths. This increase was due primarily to a higher number of accidental deaths. Death reports received during 1990 indicate that the higher 1989 level will not be sustained. Accordingly, projections for 1991 and 1992 reflect a lower estimated number of reported deaths.

Office of Justice Programs
Public Safety Officers Benefits
Summary of Change and Justification of Adjustments to Base
(Dollars in thousands)

	Amount
1991 as enacted.....	\$26,075
Adjustments to base:	
Mandatory increase:	
General pricing/level adjustment.....	1,069
1992 Base/Estimate.....	<u>27,144</u>
Mandatory increases:	
1. General Pricing Level Adjustment.....	1,069
This request applies OMB pricing guidance as of July 1990. The increased costs identified result from applying a factor of 4.1 percent, which represents an annual cost of living escalator tied to the Consumer Price Index (CPI), in accordance with P.L. 100-690. The public safety officer benefit payment is expected to rise from \$114,735 in 1991 to approximately \$118,919 in 1992.	
Total mandatory increase.....	<u>1,069</u>

2200

Office of Justice Programs
Public Safety Officers Benefits
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1990 Actual Amount	1991 Estimate Amount	1992 Estimate Amount	Increase/Decrease Amount
11 Personnel compensation:				
11.1 Full-time permanent.....	...	...	...	...
11.3 Other than full-time permanent.....	...	...	...	...
11.5 Other personnel compensation.....	...	...	...	...
11.8 Special personal services payments.....	...	...	...	...
Total.....	...	...	...	...
12 Personnel benefits.....	...	...	...	...
13 Benefits of former personnel.....	...	...	...	...
21 Travel and transportation of persons.....	...	...	...	...
22 Transportation of things.....	...	...	...	...
23.1 GSA rent.....	...	...	...	...
23.2 Rental payments to others.....	...	...	...	...
23.3 Communications, utilities and miscellaneous charges.....	...	...	...	...
24 Printing and reproduction.....	...	...	...	...
25 Other services.....	...	...	...	...
26 Supplies and materials.....	...	...	...	...
31 Equipment.....	...	...	...	...
41 Grants, subsidies, and contributions.....	\$150	\$150	\$150	...
42 Insurance claims and indemnities.....	20,580	30,013	26,994	-\$3,019
Total obligations.....	20,730*	30,163	27,144	-3,019
Unobligated balance, start-of-year.....	...	-4,088	...	...
Unobligated balance, end-of-year.....	4,083	...	...	...
Total requirements.....	24,813*	26,075	27,144	...
Relation of obligations to outlays:				
Total obligations.....	20,730	30,163	27,144	...
Obligated balance, start-of-year.....	...	1,083	5,171	...
Obligated balance, end-of-year.....	1,083	2,174	2,174	...
Outlays.....	19,647	26,075	27,144	...

* An additional \$2,714,000 in obligations and outlays are reflected in the "Justice Assistance" appropriation, representing balances available from previous years.

OPENING STATEMENT

Mr. MOLLOHAN. The Committee welcomes for his first appearance, Assistant Attorney General Jimmy Gurulé. Mr. Gurulé, we will place your biography in the record since this is the first time you have testified before us. Your written testimony will also be put in the record.

We welcome you to the hearing and ask you to proceed with your statement. If you would be kind enough before you do that to introduce the other witness at the table, we would appreciate it.

[Mr. Gurulé's biography follows:]

BIOGRAPHY OF JIMMY GURULÉ, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS

Jimmy Gurulé was sworn in as Assistant Attorney General for the Office of Justice Programs (OJP) on August 3, 1990. Mr. Gurulé was nominated for the position by President Bush on May 11, 1990, and confirmed by the United States Senate on July 27, 1990.

As Assistant Attorney General for OJP, Mr. Gurulé is responsible for coordinating policy, management, and priorities within the Office of Justice Programs and its five program bureaus and offices: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. OJP works to form partnerships among Federal, state, and local government officials to improve the administration of justice in America, combat violent crime and drug abuse, meet the needs of crime victims, and find innovative ways to address problems such as narcotics trafficking, gang related crime, white-collar crime, and public corruption.

Prior to his present position, Mr. Gurulé was an associate professor of law at Notre Dame Law School. He also served as an Assistant United States Attorney in the Criminal Division of the Office of the United States Attorney in the Criminal Division of the Office of the United States Attorney in Los Angeles, California, from 1985 to 1989, where he was Deputy Chief of the Major Narcotics Section. He also was an adjunct professor of law at the University of Utah College of Law from 1983 to 1985, and a trial attorney in the Criminal Division of the U.S. Justice Department from 1980 to 1982. In addition, Mr. Gurulé has served as a Special Assistant United States Attorney for the Southern District of Florida in 1982, and a Special Assistant United States Attorney for the District of Columbia in 1981.

Mr. Gurulé was the recipient of the Attorney General's Distinguished Service Award in 1990 for his work in prosecuting the killers of Drug Enforcement Administration (DEA) Special Agent Enrique Camarena. He also has received the DEA Administrator's Award, DEA's highest award, for his outstanding contributions in the field of law enforcement. Mr. Gurulé is past President of the Hispanic National Bar Association and has been selected by *Hispanic Business* magazines as one of the "100 Most Influential Hispanics" for 1987, 1989, and 1990.

Mr. Gurulé received his bachelor's and law degrees in 1974 and 1980 from the University of Utah. He is married to Julia Cordova Gurulé and they have two sons, Santiago and Alejandro, and a daughter, Sophia.

Mr. GURULÉ. Yes, I have with me seated at the table Phyllis Black, who is the director of our Budget Office in OJP.

Mr. MOLLOHAN. We welcome you to the hearing, too.

Mr. GURULÉ. In addition, I have seated to my right and behind me, my deputy, Clifford White.

Mr. Chairman, I am pleased to have the opportunity to appear before the Subcommittee today in support of the 1992 budget request for the Office of Justice Programs. The request for the Justice Assistance appropriation is \$579,335,000 and 346 positions, which represents a decrease of \$80,844,000 and eight positions and workyears below the 1991 enacted appropriation.

This budget proposal provides OJP the resources necessary to accomplish its mission of providing leadership through innovation in

the administration of justice and enhancing the Federal and State partnership in fighting crime and the war on drugs. The request was formed with the objectives of one, meeting the most critical needs at the lowest cost; two, promoting efficiency through shared expertise among the OJP bureaus; and three, advancing the President's National Drug Control Strategy.

INCREASES FOR STATISTICAL PROGRAMS

A total of \$23,155,000 is requested for Criminal Justice Statistical programs, a program activity administered by the Bureau of Justice Statistics. An increase of \$950,000 is requested to allow BJS to undertake two initiatives. First, the Intentional Injuries Statistical Series would be established at a cost of \$450,000, to collect reliable information on the incidence of family violence, particularly child abuse. BJS would measure the incidents of family violence by collecting data from a national representative sample of hospital emergency rooms. Second, an increase of \$500,000 is requested to allow BJS to conduct the Criminal Justice Expenditure and Employment Survey. This survey will provide detailed information on the cost of the various components of the criminal justice system for use by policymakers at all levels of government, and will be used to produce the variable pass-through data required by the States to allocate Anti-Drug Abuse formula grant funds to local governments.

JUVENILE JUSTICE PROGRAMS

For Juvenile Justice Programs, a decrease of \$64,552,000 is requested. This reduction would eliminate the formula grant program, in which the Federal Government has invested almost \$800 million over a period of 17 years. Over this period of time, the major goals of the formula grant program have been achieved. Further funding would provide marginal results. For example, 51 States and Territories are in full compliance with the mandate to deinstitutionalize status offenders and non-offenders, and 42 of the States are in either full or substantial compliance with the requirement to remove juveniles from adult jails and lock-ups. In 1992 the States will be in a position to determine which programs work most effectively and are worthy of State, as well as local or private, financing. Consequently, scarce Federal resources should no longer be expended for this program effort. The remaining balance of \$7,500,000 would be targeted to assist high risk youth who are, or may soon be, caught up in the cycle of substance abuse and gang-related violent crime. This proposal reflects the high priority of preventing high risk juveniles from becoming involved in illegal drug use, narcotics trafficking, and gangs, and allows the continuation of traditional Federal functions, such as program development and demonstration, training and technical assistance, research, and information dissemination. With a new 50-percent matching requirement that would be imposed on grantees, the High Risk Youth projects could be funded at a total level of \$15 million. In addition, \$15 million of the Anti-Drug Abuse discretionary funds would be targeted at the High Risk Youth program by the Bureau of Justice Assistance.

MARIEL CUBANS PROGRAM

The reduction of \$4,963,000 requested for the Mariel Cubans Program would eliminate resources in 1992. Since 1985 this program has provided money to partially reimburse States for their costs associated with incarcerating those admitted into the United States during the Mariel Cuban Boat Lift. These are not Federal offenders, and available resources simply do not permit the continuation of this program.

REGIONAL INFORMATION SHARING SYSTEM PROGRAM

The budget request contains no resources for the Regional Information Sharing System, RISS Program—a decrease of \$14 million from 1991. However, the program would not be terminated in 1992. Rather, it is proposed that funding in the amount of \$9,750,000 be provided from the Anti-Drug Abuse Program. Federal resources would gradually be phased out by requiring an increasing level of matching funds from the RISS participant agencies, beginning with 25 percent in 1992. The match requirement would increase to 50 percent in 1993 and 75 percent in 1994. By 1995 no Federal funds would be provided. The combination of Federal resources and matching funds would provide \$13 million to continue the program each year, nearly the same level as 1991. The RISS program has received \$122 million in Federal resources since the mid-seventies. Inasmuch as State and local law enforcement agencies are the primary beneficiaries of RISS, it is only appropriate that the program's cost be shared. Sufficient time will be provided to allow the States to eventually independently maintain the program.

ANTI-DRUG ABUSE PROGRAM

The 1992 request proposes a continuation of funding for the Anti-Drug Abuse Program at the 1991 level and contains provisions for the earmarking of funds for three projects. In 1991 Congress set aside \$17 million of the Anti-Drug Abuse funds for first-year costs of the National Crime Information Center 2000 project. In 1992 an allocation of \$22 million would be available to the FBI for second-year costs of the project. In addition, the National Institute of Corrections would be provided \$3 million for training and technical assistance for State and local corrections officials, and \$9,750,000 would be allocated for the Regional Information Sharing System Program. The funding of these initiatives from the Anti-Drug Abuse Program is appropriate since they directly relate to the authorized purposes of the program. The principal beneficiaries will be State and local organizations.

MANAGEMENT AND ADMINISTRATION

The request of \$26,780,000 for Management and Administration represents a net increase of \$139,000 and a decrease of eight positions. An increase of \$94,000 and one position is necessary to support the Department's conversion to a modern personnel and payroll system at the Department of Agriculture's National Finance Center. An increase of \$495,000 will ensure that adequate resources are available for financial and programmatic project monitoring,

the provision of on-site technical assistance, and printing of documents for wide dissemination throughout the criminal justice system. A reduction of \$450,000 and nine positions is possible due to the proposed termination of the Juvenile Justice formula grants.

PUBLIC SAFETY OFFICERS BENEFITS PROGRAM

A total of \$27,144,000 is requested for the Public Safety Officers Benefits Account. The amount requested includes a mandatory increase of \$1,069,000 to cover the cost-of-living escalator tied to the Consumer Price Index. The request would be sufficient to pay the projected 228 eligible death benefit claims in 1992. While the Crime Control Act of 1990 contains authority for a new Disability Benefits Program, its impact on resources is currently under consideration and is therefore not reflected in the request.

CRIME VICTIMS FUND

Finally, the Crime Victims Fund, which is financed by Federal criminal fines, bond forfeitures, and penalty assessments, is budgeted at \$152,200,000. This request is based on the projection that collections for the Fund will reach the new statutory cap of \$150 million, and an additional \$2,200,000 will be available for transfer to the Administrative Office for the United States Courts.

This concludes my statement, Mr. Chairman. I will now be pleased to answer any questions you might have at this time.

PROPOSED ELIMINATION OF PROGRAMS

Mr. MOLLOHAN. Thank you, Mr. Gurule. The Chairman would especially like me to note here that we've heard a lot of this before, particularly the parts about eliminating funding for items which the Congress has given high priority, such as the Juvenile Justice And Delinquency Prevention programs, the Regional Information Sharing System, the Mariel Cuban program. The Committee is wondering, has the Office Management and Budget not tired of attempting to run these eliminate these programs year after year?

Mr. GURULÉ. I don't think that is the case, Congressman Mollohan. I think that the issue is one relative to the purpose of the Juvenile Justice Formula program. And it's a question of at what point the Federal funding, and we're talking about now Federal funding of approximately \$800 million for this effort over an approximate 17-year period of time, it's not that the Federal Government has not met its commitment to this particular issue and initiative, in fact, it's just the contrary.

We believe that clearly at this point, that with the progress that has been made to date, that Federal tax dollars could be better spent in directing the expenditure of those dollars in the area of high-risk youth.

The OJP program plan for 1991 has as one of its priorities gangs and gang-related violence.

Mr. MOLLOHAN. Well, we're pretty well in agreement on that one.

Mr. GURULÉ. And the point is, that particular issue, is one that has risen to the level of a national problem, with national concerns. Consequently, the Department believes funding would be

better spent, in terms of prioritizing Federal dollars on that effort, in that direction, than in the area of deinstitutionalization and separation of youth offenders, where the progress has already been quite successful.

Mr. MOLLOHAN. Well, we appropriated money for that purpose.

Mr. GURULÉ. Well, here's an interesting point. The appropriation in 1991 for gangs was \$3.5 million. And the effort that we are proposing in the 1992 budget is \$7.5 million for high-risk youth, which would certainly include the gang issue. So it's a question of prioritizing and balancing the needs, and it's the Department's feeling that the effort should be more heavily made in the area of gangs.

Mr. MOLLOHAN. Other than these aforementioned programs, is there any change in the emphasis by the Administration in fiscal year 1992 that would alter any of the initiatives which were funded last year?

Mr. GURULÉ. I do not believe so, Congressman. OJP identified ten priority areas for funding, and I believe that the 1992 effort in that regard is going to be building upon those priority efforts, possibly fine tuning the thinking in some of those areas; but I certainly don't think or see any radical or drastic shifts from one area to another.

MATCH REQUIREMENTS FOR ANTI-DRUG ABUSE FORMULA GRANTS

Mr. MOLLOHAN. In 1991 we again extended the 75/25 ratio of Federal to State contributions under the formula grant program of the Anti-Drug Abuse grants. Do you believe that local police, especially in rural areas, will be able to fund a 50/50 matching requirement for these grants in 1992 as mandated by law, or do you think that we ought to again delay the change in the ratios?

Mr. GURULÉ. No, the Department would not support an additional waiver which would delay going to the 50-percent match. It's the feeling that it's very important relative to these efforts that we have a very strong partnership between Federal and State and local law enforcement. And that it's important that commitment be expressed in funding.

Mr. MOLLOHAN. I guess the question is, can that partnership be maintained if the local units have to come up with a 50 percent match, particularly in rural areas?

Mr. GURULÉ. I would hope that it could. I believe that it can.

Mr. MOLLOHAN. What's your basis for believing that?

Mr. GURULÉ. My basis for believing it is that the approximate 1,000 multi-jurisdictional task forces that have been funded by Federal dollars have in large part been very productive, been very efficient in terms of utilization of law enforcement resources—

Mr. MOLLOHAN. Say that again.

Mr. GURULÉ. That the multi-jurisdictional task force efforts have been extremely productive. And it's an effort that is important, in terms of working together and sharing resources and sharing intelligence. And because of the successes to date, I think that it is important for the small jurisdictions, as well as large jurisdictions, in prioritizing their funding efforts, to go ahead and continue to fund those efforts that have proven to be successful.

So it's a question of prioritization, and I believe that because of the successful track record that we experienced with multi-jurisdictional task forces, that they would see the importance of continuing to fund that effort and consequently would be willing in prioritizing their expenditures of coming up with the additional 25 percent to continue the effort. It's in their best interest.

Mr. MOLLOHAN. I guess my question is a little different than that. My question is, what is your basis for making the judgement that you think that these local entities could continue to participate in the program? Or asking it in a different way, to what extent do you think there would be fall-out by local police if the ratio were changed to 50/50?

Mr. GURULÉ. I have not gone, nor attempted to take any kind of a survey or roll call of rural jurisdictions to assess what the fall-out would be. The basis again is one that it's a successful effort, and consequently we think that—

Mr. MOLLOHAN. That they would be interested in continuing.

Mr. GURULÉ. They would be interested. And second, I would think with the effort, or the success that we've seen as a result of asset seizure and forfeiture, and the monies that have gone to the States as a result, of the equitable sharing effort, that those monies would be available as well to help assist.

[The information follows:]

MATCH REQUIREMENT FOR ANTI-DRUG ABUSE FORMULA GRANTS

The Anti-Drug Abuse Act of 1988 contained a provision to increase State and local matching funds from 25 percent in 1989 to 50 percent in 1990. The 25 percent match requirement was later extended to both 1990 and 1991 in the Department of Justice Appropriation Acts. The planned increase in matching funds reflected the intent that the States assume the funding of those activities they find most effective. Since the States and units of local government have primary responsibility for drug control efforts in their jurisdictions and they have been aware of the escalating match requirement since 1988, the need for additional matching funds should already have been considered and incorporated into their budget development processes. State and local jurisdictions have revenue sources available that provide significant potential matching funds. For example, the Federal Asset Forfeiture Equitable Sharing Program provided \$177 million to States and localities in 1990. Approximately \$200 million is expected to be available for distribution to States and localities in 1991 and \$205 million in 1992. In addition to the Federal program, each State has an Asset Forfeiture statute. State statutes differ insofar as the purpose for which cash proceeds may be used, however, forfeitures under State statutes may offer another viable source of additional resources that could be used for matching funds. It should also be noted that if a State does not qualify for its formula grant allocation due to a shortage of matching funds, the remaining balance would then be made available directly to local jurisdictions within the State.

The Anti-Drug Abuse grant program was intended to promote innovative programs and programs that offer a high probability of improving State and local drug control and system improvement efforts, with the intent that recipient agencies eventually assume full support of the programs. The Federal government should not continue to bear an unfair share of the financial burden of grant programs. Programs of this nature should be an equal partnership between State, local, and Federal governments, particularly during the current era of financial restraint. Some States and localities may find it necessary to prioritize available resources, as does the Federal Government.

WAIVER OF FUNDING LIMITATION FOR MULTI-JURISDICTIONAL TASK FORCES

Mr. MOLLOHAN. I think the Committee would probably like to have some idea of what kind of fall-out you would think might

occur if you increase the local share. The Congress also waived the prohibition of funding individual drug grants for more than three years for multi-jurisdictional task forces. Do you agree with the premise that these task forces are held together by federal funds, and that the waiver is necessary to maintain them?

Mr. GURULÉ. I do not believe that the waiver is necessary to maintain them. At the same time, the concern that I have is that the purpose in funding these types of programs is to serve as seed monies, to get these innovative and creative programs up and operational. But it should not be seen, or the money should not be used, as a way simply to supplant State funding rather than supplement, and that is a concern that I would have in continuing beyond the four-year limitation.

We have a very successful track record here, and again, I believe that it would be in the States' best interest to continue on with these efforts. And as a result, it would allow the Department of Justice, the Office of Justice Programs, to direct those monies to be used in other areas, toward other efforts that are likewise innovative and creative and would directly benefit the States.

Mr. MOLLOHAN. So you'd question that they were held together by federal funds?

Mr. GURULÉ. Well, I do not believe that they would all unravel or come apart without the waiver, an extension of an additional year of funds.

Mr. MOLLOHAN. Do you think some of them would?

Mr. GURULÉ. Again, I do not think so, and the reason being is because of the successes. If they were marginal programs, I think then there would be a much greater risk of the States directing their funding elsewhere, or not funding them. But because of the success that we have seen, the proven track record that exists, I believe that they would continue. It's probably one of the more successful programs and for that reason I believe the States would continue to fund them.

Mr. MOLLOHAN. You are saying that it is important enough to them that they are going to participate in them no matter how much it costs?

Mr. GURULÉ. Yes, sir.

[The information follows:]

WAIVER OF FUNDING LIMITATION FOR MULTI-JURISDICTIONAL TASK FORCES

The Anti-Drug Abuse program was not intended to be a perpetual funding source for grant projects. The purpose of the program is to promote innovative programs that offer a high probability of being successful, with the intent that States and localities eventually assume the cost of funding those programs that have proven effective.

earmark FOR CORRECTIONAL TECHNICAL ASSISTANCE AND TRAINING

Mr. MOLLOHAN. You request an earmark of \$3 million in the Anti-Drug Abuse Grant Program for technical assistance and training of State and local correctional personnel. What drives the need for this increase?

Mr. GURULÉ. First of all, it's appropriate to fund under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, it does fall within the 21 purpose areas.

Mr. MOLLOHAN. That would be the authority for these grants, for the funding and ministry?

Mr. GURULE. That would be the authority for BJA allocating monies for this effort, and there's no question that the area of corrections is an area that does need to be addressed. The National Drug Control Strategy recognizes the importance of building additional prisons to house violent offenders and drug traffickers. And the effort, likewise, it's necessary that we have training—that our personnel in these facilities keep pace in terms of their training and education, keep pace with that need.

Mr. MOLLOHAN. Do you think it's necessary to earmark this money in the bill?

Mr. GURULE. Well, I believe that it is and at the same time it—I think the key here is it is going to benefit State and local governments, and again, that is the purpose of the Anti-Drug Abuse monies.

Mr. MOLLOHAN. That if it's authorized, I understood you to say it was. Why would you have to earmark it?

Mr. GURULE. Well, it's again, to insure that those monies will go for that specific purpose.

[The information follows:]

EARMARK FOR CORRECTIONAL TECHNICAL ASSISTANCE AND TRAINING

The proposed appropriation language accompanying the 1992 budget request provides that \$3,000,000 of Anti-Drug Abuse funds be made available for technical assistance and training of State and local correctional personnel by the National Institute of Corrections. While the project will benefit State and local criminal justice systems and is appropriate for funding with Anti-Drug Abuse resources, the intent of this proposal is to allocate the earmarked dollars off the top of the total amount provided for the program. Like the 1991 Congressional earmark for the FBI NCIC 2000 project, this earmark will ensure the availability of funds for this specific initiative and will not disproportionately reduce available discretionary funds, thereby avoiding interference with the statutory mandate that applies 80 percent of the funds for formula grants and 20 percent for the discretionary program.

JUVENILE JUSTICE STATE AND LOCAL TRAINING

Mr. MOLLOHAN. How do you justify providing training grants for State and local correction officers at the same time you're resisting funding to training State and local juvenile justice volunteers? Do you see an inconsistency in that?

Mr. GURULE. I don't know that there is particularly an inconsistency there. I think what we are seeing is clearly an increase or a need to accommodate convicted violent offenders, the National Drug Control Strategy has recognized that. The President has recognized that need.

Mr. MOLLOHAN. This is a reflection of your priorities.

Mr. GURULE. And the point I made earlier, relative to the State formula grants for the Juvenile Justice program, we have seen tremendous strides, tremendous successes, and in some instances successes as high as 95 percent in terms of full compliance with the statutory requirements regarding deinstitutionalization.

And, as I've stated, because of the 17-year commitment and the \$800 million commitment to that effort, I believe that the States are in a position to pick up what additional, if any, effort is required there, thereby relieving or permitting Federal Government

resources to be spent specifically on questions of high-risk youth, prevention, intervention, law enforcement responses.

STATUS OF LESS-THAN LETHAL WEAPON PROJECT

Mr. MOLLOHAN. Thank you. Would you provide us with an update of the status of the studies of less-than-lethal weapons in fiscal year 1991?

Mr. GURULE. Yes, the effort to date is targeting on two chemical compounds that, based upon the research that has been done to date, appear to be very promising in providing this less-than-lethal weapon. At this point toxicology studies are being conducted on these two compounds to determine the appropriate dosage, and to determine the appropriate method of administering these compounds, to have the effect that is sought here.

It is anticipated at this particular point in time that that effort may be concluded in 1993, and so there has been some progress being made.

Mr. MOLLOHAN. Are additional funds required for fiscal year 1992?

Mr. GURULE. No, there are no additional funds requested.

Mr. MOLLOHAN. But the study is not going to be done until 1993, so funding to date will carry you over through completion in 1993? [The information follows:]

STATUS OF LESS-THAN-LETHAL WEAPON PROJECT

Currently, the anticipated completion date of the Less-Than-Lethal Weapon project is 1993. The U.S. Army Chemical Research, Development, and Engineering Center (CRDEC) has identified two compounds as the most promising candidates for further research. CRDEC is now performing efficacy and toxicology testing of these two compounds. CRDEC is focusing on one of these compounds to develop a less-than-lethal weapon, to be delivered through the intra-muscular route, designed to meet law enforcement needs in a fleeing felon scenario. Delivery system plans rest on the ability to adopt available hardware into a less-than-lethal weapon system. If a commercially available product can be adopted, delivery system development will be less expensive but if development of a new system is required, the process will be lengthy and more expensive.

INTENTIONAL INJURIES SERIES

Mr. GURULÉ. Yes, that's correct.

Mr. MOLLOHAN. Please describe the need for an increase of \$450,000 in the Bureau of Justice statistics to measure the number of intentional injuries with an emphasis on family violence.

Mr. GURULÉ. I think this is a very important program, and one that would be very helpful. I think there is a need for it in terms of providing us with a yearly indicator of domestic violence and the scourge of child abuse and sexual abuse of children.

This would allow us to record the emergency room visits where the reason for the emergency visit appears to be spousal abuse, a result of family domestic violence, or the purpose for the emergency visit is child physical abuse, sexual molestation, or sexual abuse of a child. So I think that this effort would provide us the most accurate and up-to-date statistics in that area of important need.

Mr. MOLLOHAN. What will this data be used for once you collect it?

Mr. GURULÉ. Well, again, I think it will be very helpful to policy-makers in terms of giving us important indicators on the prevalence of domestic violence, the prevalence of child physical abuse, and the prevalence of child sexual abuse. It will also assist policy-makers at the Federal, State and local level in terms of proposing and enacting legislation to address these concerns, and at the same time in terms of helping—assisting policymakers in terms of allocating resources, whether they be medical resources, mental health resources, or other resources, to address these problems.

Mr. MOLLOHAN. You won't be collecting this information yourself, will you?

Mr. GURULÉ. No, we will not be collecting it ourselves. There is a system in place now that is collecting similar data, but we would be providing, as I understand it, a form that would be filled out that would collect the specific data that would be of interest to BJS and the Department of Justice.

Mr. MOLLOHAN. What would you use the \$450,000 for then?

Mr. GURULÉ. Well, the \$450,000 is going to be used at least in part for the collection, analysis and the publications that result from the data and then the dissemination of that data and other administrative costs related to the collection of the data by emergency hospital rooms across the country.

Mr. MOLLOHAN. Do you have those estimates broken and what you'd spend that money for broken down, and could you provide it to the Committee in more detail?

[The information follows:]

INTENTIONAL INJURY SERIES

Under the Intentional Injuries Series, the Bureau of Justice Statistics (BJS) will collect data from the National Electronic Injury Surveillance System (NEISS) which is a nationally representative sample of hospital emergency rooms used by the Consumer Product Safety Commission (CPSC) to monitor consumer product related injuries and deaths.

The NEISS will be expanded to collect data on all intentional or possible intentional injuries that occur in a sample of emergency rooms. Intentional injury is defined as all incidents of violence where an individual other than the patient is involved. Data will be obtained relating to the victim-offender relationship; demographic characteristics available on the medical form, including age, race, and marital status; the severity of the injury; weapons used (if any); whether anyone involved in the incident was under the influence of drugs and/or alcohol; and the text summary giving a several-sentence description of the event.

Extensive training will be given to data coders to capture this data and to follow established guidelines and criteria in the use of the "possibly intentional" code for cases that suggest any possibility of family violence or child abuse, whether or not they have been officially classified as such. As in all BJS data, identifiers will be stripped from the data to maintain strict confidentiality.

BJS will analyze the data on an annual basis to develop national estimates on the extent of family violence, child abuse, and other possible intentional injury serious enough to result in an emergency room visit. The findings will be published in a yearly BJS report along with estimates of family violence obtained from the new National Crime Victimization Survey screening questions, which ask specific questions about family violence. This will be the first national data collection program on family violence designed to develop annual statistics using standardized methods that can be compared on a year-to-year basis. Although this new program will not measure all family violence and child abuse, it will measure the incidence of cases that come to the attention of an emergency room and address the need to improve the measurement of these sensitive phenomena as recommended by the Task Force on Family Violence.

The \$450,000 being requested for the Intentional Injury enhancement includes start-up costs and other costs as follows:

Supporting hospital personnel for their participation in the survey.

Developing improved training and instruction materials.

Expanding the training to all hospitals in the NEISS sample, including training specifically designed for medical emergency room staff, i.e., doctors and nurses as well as coders. This will entail a number of seminars to cover all staff in the NEISS sample.

Designing improved coding instruments for the hospital staff in the entire NEISS sample.

Publishing and dissemination of findings.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT SURVEY

Mr. GURULE. I certainly could and will.

Mr. MOLLOHAN. Why is it necessary to spend \$500,000 to survey the expenditure and employment levels for all criminal justice components?

Mr. GURULE. Well, I think that this survey would be very beneficial in terms of the detailed information on the costs of the various components of the Criminal Justice System. I think that information in terms of the costs of narcotics investigations, the costs of narcotics prosecutions, the costs to the criminal justice system, again at the Federal, State, and local level would be very valuable information, again, to assist policymakers. It also would be used to produce the variable pass-through data required by the States to allocate the Anti-Drug Abuse formula grant funds to local governments. What is it costing the nation, I think, is the key here in terms of the entire criminal justice system.

Mr. MOLLOHAN. What would be lost to the criminal justice community if the survey were not taken?

Mr. GURULE. Again, in terms of allocating resources in the most efficient manner to address the problems, I think it is absolutely necessary to have the most current data regarding the costs of the war on drugs, the costs that violent crime is imposing on the taxpayers through the criminal justice system. So I think that type of detailed information would be of great value to policymakers in terms of determining the appropriate allocation of resources.

[The information follows:]

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT SURVEY (CJEE)

In reinstating the Criminal Justice Expenditure and Employment Survey (CJEE), BJS will conduct the survey every two years for the purposes of providing the only comprehensive national data on the cost of operating the nation's criminal justice systems. This survey examines public finance records to derive the dollars spent and persons employed by criminal justice agencies at all levels of government and in all components of the criminal justice system. The data acquired through the expenditure and employment survey provides detailed information on the costs of the criminal justice system including police protection, courts, prosecution, public defense, and corrections. The CJEE also produces the variable pass-through data required for the allocation of Anti-Drug Abuse formula grants to local governments, and is used by State and local governments for planning purposes. The CJEE survey is the only way to ensure that the formula funds are allocated equitably and in accordance with the Anti-Drug Abuse legislation.

The CJEE survey was conducted annually from 1971-79. In 1990, funds for State and local assistance were discontinued and BJS faced severe budget cuts. Due to these circumstances, BJS reluctantly decided to discontinue the annual CJEE survey. The last *annual* CJEE was conducted in 1979; however, with funding from the Bureau of Justice Assistance, the survey was conducted in 1985, 1988, and 1990 using the same survey methodology as from 1971-79. In the years when CJEE data were not available, BJS has used data from the Census Bureau's on-going annual finance and employment surveys in order to meet the need of policymakers and re-

searchers for some kind of indicator of the costs of the justice system. However, these surveys fall short of this objective due to the lesser quality of data and unavailability of detailed data distinguishing between expenditures. In addition, Census surveys do not provide the degree of statistical reliability and substantive detail needed to meet the formula provisions of the Anti-Drug Abuse Act.

In a climate of scarce resources and a national effort to fight against drugs and crime, there is critical need for the criminal justice community and policymakers at all levels of government to have accurate and current information on the costs of the justice system and to relate the costs to the impact on crime and drugs. The CJEE will provide this essential information on cost and is a significant asset to the wealth of information relevant to policymaking already contained in BJS programs and statistical series.

CRIMINAL HISTORY INFORMATION SYSTEMS

Mr. MOLLOHAN. Finally, the Bureau of Justice Statistics has over the past two years received over \$16 million in funds for criminal history information systems, by transferring these funds from the discretionary funds of the Bureau of Justice Assistance, do you intend to do this again this year?

Mr. GURULE. Yes, we do, Congressman Mollohan. And that particular program, I think again, is an extremely beneficial program, in terms of assisting in accurately identifying convicted felons who attempt to purchase firearms.

The problem that we have recognized and that we have identified is that many of the States--well, actually in some cases some of the States do not even have computerized systems to collect and record criminal dispositions, to collect and record arrest records of defendants. They don't have computerized systems.

In other cases, while the States have computerized systems, the systems are so backlogged, they literally have a year or two and sometimes even a greater backlog than that in terms of data that hasn't been put into the system.

And so then for us to make a determination or the Government to make a determination of felons attempting to purchase firearms, this is an absolute requirement for them to clean up that backlog and have the kind of current information that is necessary to make those identifications.

I think we are providing very important assistance to the States in that regard. And, again, the States are the direct beneficiaries.

Mr. MOLLOHAN. And you had planned to do that again this year?

Mr. GURULE. Yes, sir.

[The information follows:]

CRIMINAL HISTORY RECORD IMPROVEMENT (CHRI) PROGRAM

In his November 20, 1989, letter to Congress, the Attorney General recommended a program to enhance efforts to immediately and accurately identify felons who attempt to purchase firearms. One priority was to provide funds to States to make systemic improvements in the data quality and timeliness of State criminal history record information, using \$27 million of BJA Anti-Drug Abuse Act Discretionary Funds over three years (1990, 1991, and 1992). The objectives of the Criminal History Record Improvement (CHRI) program are to identify individuals convicted of a felony within a State; to improve reporting of criminal justice actions and dispositions to State criminal history repositories; to increase automation of criminal history records at the State level; and to meet the voluntary reporting standards developed by BJS and the FBI.

In 1990, BJS awarded 18 cooperative agreements for State Criminal History Record Improvement (CHRI) projects, totaling \$6,299,285. Currently, in FY 1991, BJS has awarded 10 CHRI cooperative agreements with a total of \$2,899,148. There

are three State applications presently in the process of being awarded, totalling \$1,325,454.

Mr. MOLLOHAN. Mr. Gurule, thank you very much for your testimony here today.

Mr. GURULE. Thank you, Congressman Mollohan.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

Office of Justice ProgramsIntermediate Sanctions

QUESTION: The problem of prison overcrowding is crippling Federal and State prison systems. One option to help alleviate this problem is the use of intermediate sanctions. Title XVIII of Public Law 101-647, the Crime Control Act of 1990, authorizes \$220 million in 1991 and such sums as may be necessary for 1992 for grants to State and local governments to increase the use of intermediate sanctions. Did the Administration request any funds in 1992 for Title XVIII? If no, why not?

ANSWER: As noted by the President's 1991 National Drug Control Strategy, intermediate sanctions can provide innovative ways to assure swift and certain punishment. However, the Strategy states that "such punishments are not a safety valve to relieve prison crowding, and cannot serve as a substitute for needed prison construction. Public safety demands that serious offenders be incarcerated." The Administration's 1992 budget request did not include funding for Title XVIII of the Crime Control Act of 1990. The Bureau of Justice Assistance (BJA) possessed the authority and was already funding programs of this nature under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, prior to passage of the Crime Control Act of 1990. The Administration supports the concept of these types of programs; however, it is believed that a funding level of \$220 million, or more, would likely result in Federal funds supplanting any State funds that are currently used for intermediate sanction programs. This effect would contradict the intent of BJA grant programs -- to serve as an inducement to States to increase their level of support for criminal justice programs.

QUESTION: Does the Administration plan on requesting funds in the future for Title XVIII?

ANSWER: Authority to fund intermediate sanction programs was already in existence under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs prior to enactment of the Title XVIII Correctional Options Incentives Amendments. Several such projects were funded under this authority in 1990.

QUESTION: Does the Office of Justice Programs (OJP) plan, through BJA or other means, to expand the use of intermediate sanctions? If yes, will you provide details of these plans?

ANSWER: In its 1991 Program Plan, OJP established 10 priority areas to maximize the impact of funding on the "War on Drugs" as well as complex criminal justice issues confronting the country. Intermediate Sanctions is one of the priority areas identified for the OJP Bureaus to direct and concentrate efforts. Demonstration

and evaluation programs are being initiated to promote and test a continuum of sanctions, such as the expanded use of fines, restitution, community service, home detention, intensive supervision, electronic monitoring, and boot camps. In 1991, \$7.55 million is targeted at intermediate sanctions (user accountability) programs by the OJP Bureaus. A summary of the planned projects follows.

Bureau of Justice Assistance (BJA)

Civil Penalty Demonstration Program - \$900,000. This program is designed to demonstrate the use of civil penalties for drug users by enabling local prosecutors' offices to work with local law enforcement agencies to identify individuals, test for suspected controlled substances, and present these cases to the United States Attorney's Office. Pursuant to Department of Justice Civil Penalties Regulations (implementing Section 6486, Anti-Drug Abuse Act of 1988), the U.S. Attorney would bring assessment actions under the civil penalty provisions of this law. The funding to the local prosecutor's office will support personnel to be assigned to this effort.

Intermediate Sanctions (Boot Camp) Training and Technical Assistance - \$350,000. The purpose of this program is to develop training and technical assistance for States and local jurisdictions that wish to implement boot camp programs as intermediate sanctions for non-violent offenders. The major implementation steps include an assessment of the literature on intermediate sanctions and existing boot camps, to be followed by the development of a model or models, the development of a training curriculum and a strategy for delivering technical assistance, pilot testing of the training and technical assistance at the BJA demonstration sites and expansion of the training and technical assistance to a national level effort.

User Accountability Demonstration Program Models - \$500,000. The purpose of this program is to develop two new demonstration program models which will be designed to hold "casual" drug users responsible for their actions through the use of meaningful criminal, civil, and/or social sanctions. These sanctions, which may include such elements as treatment and asset seizure, will seek to deter drug abuse behavior, attract the attention of the drug user, especially the "casual" drug user, and change the attitudes of "casual" users toward drug use. These model sites will be supported by training and technical assistance to document their experiences thoroughly and develop prototype user accountability programs for dissemination to States and local jurisdictions.

Structured Fines - \$525,000. This program benefits all jurisdictions in which criminal fines are used as sanctions in the punishment of drug offenders. The purpose of this program is to enhance alternative sanctioning options by demonstrating the application and enforcement of day-fines as a means to achieve realistic and credible monetary penalties. Three demonstration

sites will be selected competitively to implement the Structured Fine Program. Training and Technical Assistance will be provided to the demonstration sites.

Training and Technical Assistance for Intensive Supervision Probation/Parole (ISP) - \$350,000. This program targets offenders released into the community for whom incarceration is too severe and for whom regular probation is not appropriate. The programs are accomplished through the probation or parole agencies responsible for offender supervision. Building upon the knowledge gained through BJA's demonstration programs, the program will be designed to provide guidance to the States on the appropriate uses of intensive supervision programs. A nationwide assessment of intensive supervision projects will be conducted and used as the basis for designing a training curriculum.

The following are continuation projects BJA plans to fund:

Coordinated Interagency Drug Training and Technical Assistance - \$300,000. The purpose of this program is to improve case management of drug dependent offenders by promoting coordination between probation and parole officers and drug treatment practitioners. Information and resource sharing are emphasized. Under the first phase, a training curriculum was developed and tested. During the final phase, additional training will be provided and a marketing strategy will be developed.

Denial of Federal Benefits Project - \$500,000. This project established a clearinghouse of automated systems to receive and transmit to the General Services Administration for inclusion on the Debarment List, as well as other interested Federal agencies, information on persons convicted of drug trafficking or possession offenses who have been sentenced to a denial of Federal benefits. The 1991 funds will support three competitive demonstration sites, the development of model legislation, technical assistance by the American Prosecutors Research Institute, and an evaluation component.

Intermediate Sanctions (Adult Boot Camp) Demonstration - \$400,000. This program is designed to demonstrate and determine through evaluation: the effectiveness of boot camps as an intervention for drug using offenders, the capacity to identify those offenders for whom boot camps are an appropriate intervention, and the capacity to document program procedures and protocols for transfer to State corrections facilities.

Structured Sentencing - \$300,000. BJA, in collaboration with the U.S. Sentencing Commission, will assist participant States in developing and implementing sentencing policies and practices that facilitate consistent and appropriate punishment of convicted offenders. The strategy employed will include clearinghouse services, a national conference, and training and technical assistance to selected States.

Treatment Alternatives to Street Crime Management Information System (TASC MIS) - \$300,000. This program is divided into two phases. The first phase has involved designing and field testing the software package. The second phase will be to reproduce and disseminate software to TASC and other case management programs at a nominal fee in cooperation with the National Consortium of TASC Programs. In addition, regional meetings will be conducted to train designated personnel on the system's use. At the end of one year, the grantee will conduct a mail survey of all system users to assess the reliability and validity of the system's application.

Treatment Alternatives to Street Crime (TASC) Training and Technical Assistance - \$300,000. The purpose of this program is to provide local and State criminal justice agencies and formula grantees with technical and program development assistance for managing offenders adjudicated to case management programs such as TASC. Through a cooperative agreement with the National Consortium of TASC Programs, program certification will be implemented through on-site evaluations of local TASC program operations matched against criteria already devised and pre-tested through previous BJA cooperative agreements for TASC technical assistance. Documentation will be prepared by field experts and reviewed by the project's advisory committee.

Interstate Compact Administrators Information Network (ICAIN)- Automation of the Parole and Probation Interstate Compact - \$50,000. The Parole and Probation Compact Administrator's Association has designed and is demonstrating a micro-computer system to provide complete and timely information on probationers and parolees moving between five pilot States, with particular attention to those offenders with drug-related conditions of parole or probation. The 1991 funds will support computer software to provide the direct entry of the ICAIN file into each intrastate system; will allow additional, already automated, States to join ICAIN; and will support efforts to explore linkage of ICAIN with the National Crime Information Center (NCIC).

Bureau of Justice Statistics (BJS)

National Probation And Parole Survey Initiative - \$500,000. This initiative will be launched with the dual objectives of obtaining detailed data on each probation and parole agency nationwide and eventually, the collection of new and expanded information on the offense, criminal history, and substance abuse history of the nearly 3 million offenders under conditional supervision in the community. The National Institute of Corrections and the Office for Victims of Crime will be contacted for technical assistance in providing feedback and comments regarding the draft census and survey instruments. Finalized data sets will be made available to all OJP components, and BJS will provide assistance for those utilizing the BJS data for their own analyses.

National Institute of Justice (NIJ)

Juvenile Boot Camps: Evaluation - \$300,000. This is a collaborative intra-agency program among NIJ, OJJDP and BJA in which BJA is providing a major portion of the funding. The purpose of this NIJ program is to evaluate juvenile boot camp programs that target juvenile males, adjudicated for nonviolent offenses, who evidence drug or alcohol abuse problems and pose a high risk of continuing their delinquent careers. The goal of these programs is to reduce drug use and to provide an opportunity and incentive for law-abiding behavior among such youths. Phase I of the evaluation will be conducted in Fiscal Year 1991; Phase II is expected to commence in Fiscal Year 1992.

Intermediate Sanctions -- Regional Conferences - \$150,000. This regional workshop series will provide information based on research and experience regarding the effectiveness of intermediate sanctions and guidance regarding achievable operational goals for States and localities.

Inmate Work Initiative - Private Sector Prison - \$150,000. This program, in conjunction with BJA, provides developmental assistance to jurisdictions seeking to implement private sector prison and jail industries. This program will provide training to State and local correctional facilities. Its purpose is to strengthen and expand inmate industries under the Federal Certification Program.

Intermediate Sanctions, NIJ Punishment and Control Program - \$500,000. This program is a continuation project. In 1991, the program will continue to build on previous findings in the areas of assessing the effectiveness of Intermediate Punishments such as Intensive Supervision of Probationers, Electronic Monitoring, Drug Testing, Home Detention and Boot Camps. In addition, the 1991 program will focus on areas of concern to prison administrators: the incidence and medical costs of AIDS among prison populations, the programming of special offender groups such as sex offenders, and management concerns such as system performance measures and recruitment and retention of staff.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Boot Camps for Juvenile Offenders; Constructive Intervention and Early Support - \$1,000,000. This is a collaborative intra-agency program between OJJDP, NIJ and BJA, in which BJA is providing all or a major portion of the funds. The guideline for this initiative was issued in 1990, and the deadline for submission of applications was October 30, 1990. The funding for this new program will, therefore, occur in 1991. The purpose of the program is to develop and test boot camps that are focused on adjudicated, nonviolent, juvenile offenders who are under 18 years of age. The program will: serve as a criminal sanction; promote basic, traditional, moral values inherent in our national heritage; increase academic achievement; provide discipline through physical conditioning and team work; include activities and resources to reduce drug and

alcohol abuse among juvenile offenders; encourage participants to become productive law-abiding citizens; promote literacy by using intensive, systematic phonics; and instill a work ethic among juvenile offenders. Up to three sites will be funded under this initiative.

Restitution - \$175,000. This is a continuation project that provides training, technical assistance, and guideline information to juvenile courts and to other juvenile justice agencies for the development, implementation, and improvement of restitution programs. Expansion of restitution as an accountability-based juvenile justice disposition is fostered in this program. The most recent award will support a state-of-the-art assessment of the latest developments and training or technical assistance needs in the field of juvenile restitution. Also, it will provide for an update and revision of the 1987 *National Directory of Juvenile Restitution Programs*.

QUESTION: Would the Administration be opposed to the inclusion of funds for Title XVIII in the 1992 appropriations bill?

ANSWER: Title XVIII authorizes grants for "alternatives to traditional modes of incarceration and offender release programs," such as boot camps and electronic monitoring programs. The BJA and the National Institute of Corrections (NIC) currently support and assist a wide range of intermediate punishments programs of the sort authorized by Title XVIII. These BJA and NIC programs are already funded in the 1992 budget, and funding for Title XVIII would therefore be duplicative. We also believe that continued funding of the BJA and NIC programs would achieve the goals of Title XVIII more effectively, and cost efficiently. The authorized funding level of \$220 million vastly exceeds any amount that could effectively be programmed and utilized in Federal assistance to State and local correctional options efforts. Funding at this level is likely to supplant (rather than supplement) State and local sources of funding, in contravention of the spirit and purpose of the Federal Justice Assistance program. Accordingly, we do not support funding of Title XVIII.

TUESDAY, MARCH 19, 1991.

OFFICE OF THE INSPECTOR GENERAL

WITNESSES

RICHARD J. HANKINSON, INSPECTOR GENERAL

ALAN J. VANDER-STAA, ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND PLANNING

HARRY H. FLICKENGER, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. MOLLOHAN. Continuing with our review of the Department of Justice, we will now hear testimony concerning the Office of Inspector General.

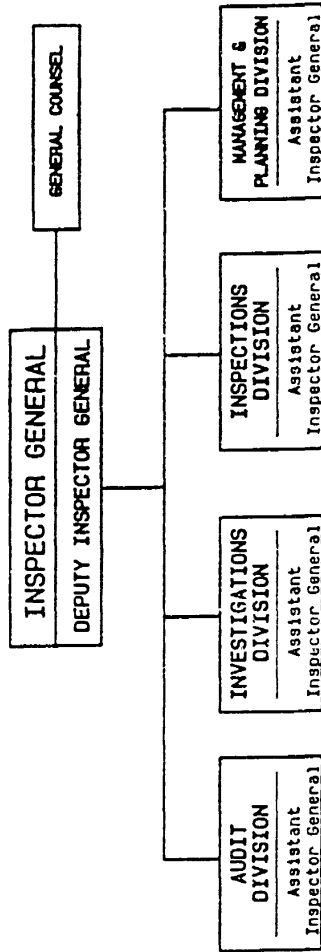
The request for fiscal year 1992 for the Inspector General is \$36,019,000, a 43 percent increase over fiscal year 1991 levels of \$25,140,000. We will insert in the record at this point the fiscal year 1992 budget justification for this account.

[The justifications follow:]

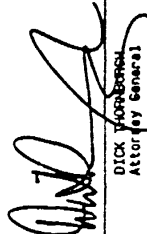
Department of Justice
Office of Inspector General
Estimates for Fiscal Year 1992
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Approved:  Date: 9/28/90
 DICK W. THOMPSON
 Attorney General

Office of Inspector General
Salaries and Expenses
Summary Statement
Fiscal Year 1992

The request for the Office of Inspector General (OIG) for 1992 totals \$36,019,000, 411 permanent positions, and 378 workyears. This request represents an increase of \$10,879,000, 75 positions and 38 workyears over the 1991 enacted appropriation. Of this amount, \$1,475,000, 4 positions and 2 workyears are required to audit or oversee the audits of financial statements prepared on the Department's trust funds and revolving funds accounts and, to the extent practicable, the accounts of each office which performed substantial commercial functions during the preceding fiscal year.

The primary mission of the OIG is to provide leadership and assist management in promoting economy, efficiency, and effectiveness within the Department; to enforce the fraud, waste, abuse and integrity laws and regulations of the U.S. within the Department; and to bring to justice those individuals or organizations involved in financial, professional or criminal misconduct relating to Department of Justice operations. The OIG achieves these objectives through three basic functions -- audit, investigation, and inspection.

The ability of the OIG to perform its mandated responsibilities is dependent upon the effective use of available resources and employee expertise. The OIG has been fully operational for almost two years, during which time critical functional and performance requirements have been identified as well as the resources necessary to meet such requirements. The increased emphasis on ethics in government, economy, and efficiency and the broad scope of the OIG's mission, (review of six major bureaus and 29 Offices, Boards, and Divisions) demands an OIG capable of carrying out the objectives for which it was created. In order to manage current workload and contend with increasing responsibility, the OIG is requesting a program increase of \$7.6 million, 75 positions and 38 FTE in 1992.

The level of growth and change that has taken place over the past few years within the Department has greatly increased the overall workload of the OIG. The Department currently manages some \$1.4 billion in seized and forfeited assets and at least \$100 billion in the U.S. Trustee's program; debt collection activities total well over \$6 billion and fees accounts total an estimated \$1.3 billion. Additionally, both the temptation and opportunity for misconduct have increased steadily as a direct result of seizures of large sums of cash and valuables and the money to be made in drug trafficking and related crime. With a 1992 Departmental request totaling over \$10 billion and 86,000 positions, and an estimated FTE level of over 96,000, the OIG must obtain sufficient resources to ensure integrity, economy, efficiency, and compliance within all DOJ programs. The increases in personnel and funding levels throughout the Department coupled with increases in special funds such as asset seizure and forfeiture and trust funds, have resulted in a vast expansion of OIG responsibility.

The major resource requests are summarized below.

Audit: The 1992 requested increase of \$4,674,000 for the Audit Division will provide the resources needed to perform a total of 46 major internal audits (including 4 to 6 major ADP system reviews), an increase of 26 over the 1991 level. Current audit resources do not provide sufficient cyclical audit coverage of the Department; the resources are limited to auditing target priority programs or functions. By focusing on these priority areas, the Audit Division addresses many of the high risk areas, but the risk of little or no coverage of smaller programs and functions remains high. For instance, the Department has over 600 major ADP systems, however, current resources allow for only three to four major ADP system reviews each year. The increase would provide sufficient resources to cover the majority of the priority areas identified in the audit universe and also allow the division to be more responsive to requests for audits of internal programs and Departmental contracts and grants. In addition, the Audit Division would continue to perform

major scope audits such as the special reviews of the Immigration and Naturalization Service (INS), United States Marshall Service (USMS) and INTERPOL, requested by the Attorney General, and the recently completed audit of the Department's Seized Assets program, without sacrificing the Division's focus on priority and high risk programs and operations of the Department.

The additional resources would allow the Audit Division to continue to provide its expertise in the examination of internal controls and cash management practices of various Departmental organizations' fee accounts, which total an estimated \$1.3 billion annually. The Audit Division would also utilize the resources to audit the procurement activities of a different Department component each year. The identification of significant problems and systemic weaknesses in the procurement processes of the USMS and the Drug Enforcement Administration (DEA) suggest that similar problems may exist throughout the Department. It is therefore, essential that sufficient audit resources be provided to allow appropriate coverage of the Department's high priority functional areas and programs as well as to enhance the management of Departmental resources.

The increase for the Audit Division also includes \$1,475,000 for the audit of the Department's financial statements. In accordance with the Chief Financial Officers Act of 1990 (P.L. 101-576), financial statements prepared on select accounts within the Department will be audited in accordance with generally accepted government auditing standards. The additional staff requested specifically for this purpose will serve as the contracting officer/technical representative (COTR) over the auditing contractor.

Investigation: Approximately 2,000 investigations are projected to be opened in 1992, representing an increase of 124 investigations over 1991. While the OIG has investigative responsibility for all components of the Department, statutory IG authorities have expanded the investigative responsibilities within some of the bureaus which originally transferred resources to form the OIG. For example, the Bureau of Prisons integrity program formerly referred all of their criminal cases to the FBI, but those cases are now being handled by the OIG. While the final nature and configuration of the OIG's relationship to and responsibility for FBI and DEA investigations has not been defined, it is likely that given the breadth of statutory responsibility vested in the OIG, there will be an increasing role for the IG's office in this area.

OIG investigative resources are also utilized by the Office of Professional Responsibility (OPR), which investigates allegations relating to employees in attorney, criminal investigative and law enforcement positions. While approximately 33 percent of the base number of misconduct investigations falls under the auspices of the OPR, the OIG continues to conduct these investigations consistent with a "Memorandum of Agreement Regarding Conduct of Investigations" between the two offices.¹

Inspection: The conduct of the inspections function is critical to the success of an OIG's function. The OIG has a responsibility to perform inspections of the Department's components to assure that managers are effectively carrying out their responsibilities and meeting program goals. The Inspections Division uniquely supplements our audit role, providing the capability for rapid analysis and response to the Department and component heads. This allows management to be informed about potential problems and provides an opportunity for corrective action before the problem reaches substantial levels. The ability of the Inspections Division to identify and/or resolve potential problems in a relatively short period of time greatly reduces the need to expend other OIG resources, and at the same time, increases efficiency throughout the Department. The Inspections

¹ In accordance with Section 8D(b)(3) of the Inspector General Acts as amended, no later than 90 days after the date of his appointment, the Inspector General shall designate 20 full-time investigation positions which the Attorney General may transfer from the Department of Justice Office of Inspector General to the Office of Professional Responsibility. The 20 positions have been designated by the IG within the prescribed period of time; this issue is currently before the Attorney General and his Deputy.

Division also responds to concerns raised by OMB, the Congress, and Departmental management regarding internal control weaknesses in the Department and is responsible for annual reviews of the Department's compliance with A-123 (Federal Managers Financial Integrity Act) and Public Law 101-121 (anti-lobbying with government funds).

Executive direction and control: Creation of the OIG brought with it the need for a centralized budget, personnel and automated information services functions. Although no positions were provided for senior/central management or administrative support activities, the OIG managed to restructure available resources to establish an efficient and qualified staff capable of administering the myriad organizational activities and ongoing functions of the OIG. The 1992 requested increase of \$1,488,000 provides for one position and related funding for the OIG's conversion to the automated payroll and personnel systems of the Department's National Finance Center. Consistent with the Administration's information systems priorities, the request also includes \$1,400,000 to further develop the OIG's ADP networking and office automation systems. This in-house telecommunications and document exchange capability is essential to OIG's nationwide mission for independent and coordinated review of programs and operations of the rest of the Department.

Supporting the OIG through appropriate resource levels subsequently pays dividends through the recovery of funds, the efficient utilization of funds, and the avoidance of additional costs. The requested increases will ensure that the OIG can impartially and effectively meet its mandate for management improvement through audit, investigation and inspection.

Office of Inspector General

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1992 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [\$28,382,000]; \$36,019,000, of which \$1,475,000 for audited financial statements shall remain available until September 30, 1993. including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

(Department of Justice Appropriations Act, 1991: additional authorizing legislation to be proposed.)

Explanation of changes:

Language is included to authorize funds totaling \$1,475,000 to remain available for two years to audit the Department's financial statements.

Office of Inspector General
Salaries and expenses
Crosswalk of 1991 Changes
(Dollars in thousands)

Activity/Program	1991 President's Budget Request		Congressional Appropriation Actions on 1991 Request		Reprogramming		1991 Appropriation Enacted	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Audit, Investigations, and Inspections	380	350 \$28,382	-44	-30 -\$3,242	...	...	336	320 \$25,140

Office of Inspector General
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	1990 as Enacted			1990 Actual			1991 As Enacted			1991 As			1992 Base			1992 Estimate			Work-		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Adjustments to base:																					
1991 as Enacted	296	300	\$20,541	296	267	\$20,409	336	320	\$25,140	336	320	\$25,140	411	378	\$36,019	75	38	\$7,637	336	320	\$25,140
Mandatory increases																				20	3,472
Decreases (automatic, non-policy)																				20	-230
1992 base																				340	28,382
Estimates by Budget Activity:																					
Audits, Investigations & Inspections	296	300	\$20,541	296	267	\$20,409	336	320	\$25,140	336	320	\$25,140	411	378	\$36,019	75	38	\$7,637	336	320	\$25,140
Reimbursable WY	35			23			23			23			23			23					
Total workyears	335			300			353			373			411			411					38
Overtime:																					
A.U.O.....	16			16			19			20			20			20					
Other.....	4			4			5			5			5			6					1
Total compensable workyears...	355			320			377			398			437			437					39
EOY Employment																					
F/T Perm....	296	335	331	290	33	323	336	33	369	336	33	369	411	33	444	75	...	...	75	...	...
Other than FTP	301	35	336	299	33	332	341	33	374	341	33	374	416	33	449	75	...	...	75	...	...

Office of Inspector General
Justification of Program and Performance
Salaries and expenses

	1991 Appropriation		1992 Base		1992 Estimate		Increase/Decrease					
	Enacted		Perm.		Perm.		Perm.					
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount				
Audits, Investigations, and Inspections.....	336	320	\$25,140	336	340	\$28,382	411	378	\$36,019	75	38	\$7,637

Long-Range Goal: To reduce the incidence of fraud, waste, abuse, misconduct, inefficiency, and financial non-compliance of Department of Justice programs and those activities funded by the Department.

Major Objectives: Provide balanced audit coverage to assist Departmental management in achieving more efficient and effective operations. This includes responding to specific requests for audit from Department management and others.

Monitor the ADP capability in the Department by the effective performance of ADP audits by a centralized ADP audit group as well as by IG regional audit offices.

Implement audit oversight and follow-up requirements established by legislation, regulation, or executive direction.

Enhance the investigative effort to identify, investigate and refer for criminal prosecution those individuals and organizations attempting to corrupt Department employees.

Serve as the Contracting Officer/Technical Representative (COTR) over the audit of the Department's financial statements.

Provide short-term management and compliance inspections to serve as an early warning system of problems which must be corrected by Departmental management.

Respond to specific requests for inspections and audits from Departmental management for assistance in improving their programs or operations.

Examine programs/activities to improve program and field operations and administration.

Review new programs/operations at the onset of their implementation in order to provide effective feedback early on.

Continue the development/installation of the OIG network system nationwide.

Base Program Description: The establishment of Inspector General offices has been premised upon a growing commitment, in both the Executive Branch and the Congress, to the creation of mechanisms designed to enhance ethics and integrity in government and to identify and eliminate fraud, waste, abuse, and mismanagement of public resources. To that end, the purposes of the Office of Inspector General are several:

- to function as a focal point for heightened awareness across the Department of issues related to integrity in general and propriety and efficiency of resource management in particular;
- to investigate and resolve allegations of misconduct against officials and staff of the Department (a responsibility currently shared with the Office of Professional Responsibility) and contractors doing business with the Department;
- to conduct audits and inspections of activities and operations across the Department in order to identify and resolve inefficiencies and detect vulnerabilities in their operation;
- to provide clear and early warning of problems to both agency management and the Congress through implementation of the enhanced reporting requirements set forth in the Inspector General Act Amendments of 1988.

Consistent with the Inspector General Act of 1978, as amended, and guidance received from the Office of Management and Budget and the President's Council on Integrity and Efficiency, this office will emphasize 1) the need for early warning systems to detect potential problems before they develop, 2) the monitoring of recommendations after potential weaknesses have been identified, and 3) the comprehensive reporting of problems, deficiencies and progress of corrective actions to the Attorney General and the Congress.

The major functions of the OIG include audit, investigation, and inspection.

The audit function conducts, reports on and tracks the resolution of financial and performance (including economy, efficiency and program) audits of organizations, programs and functions within the Department, including expenditures made under Department contracts, grants and other agreements.

The investigation function detects and investigates for criminal prosecution violations of fraud, abuse and integrity laws which govern the Department or operations which are financed by the Department, and ensures that such allegations are considered for possible civil and/or administrative actions.

The inspections function performs program reviews and efficiency/compliance inspections of operations and programs within the Department or financed by the Department. The inspections are tailored to provide situation-specific coverage and program overviews with the intent of providing timely feedback to senior managers and early warning to the Administration and the Congress regarding any problems which may exist.

The executive direction and control function establishes and maintains policy and program direction for the OIG. Specific responsibilities include policy development, legal counsel, Congressional affairs, planning, budget, finance, quality assurance and evaluation, personnel, training, procurement, automated data processing/network communications and general support services.

Accomplishments and Workload: Selected accomplishments of the OIG during fiscal year 1990 include the following:

- Completed the restructuring of personnel and workload priorities for the efficient and effective operation of the Office of Inspector General;
- Maintained and enhanced substantive operations:
 - Of the 2,678 complaints received, initiated 788 investigations, monitored 972, and referred 281 allegations to other than OIG investigative staff for appropriate action; 637 required no action;
 - Executed 74 arrests during 1990;
 - As a result of investigations, recovered \$343,331 through Fines, Restitutions and Seizures during 1990;
 - Issued over 103 investigative subpoenas, requested 130 undercover consensual monitorings; OIG investigations led to 65 indictments;
 - Referred and accepted 116 cases for criminal prosecution; Closed a total of 918 cases;
 - Issued 24 Final Inspection Reports;
 - Continued audits underway and issued 20 internal audit reports;
 - Completed 396 U.S. Trustee Reports relating to controls over funds handled pursuant to bankruptcy proceedings, and reviewed 300 external reports under the Single Audit Act encompassing 1,344 Departmental contracts, grants, and reimbursable agreements totaling \$745 million;
 - Developed and field tested 5 guides for use when conducting field management evaluations of DOJ components.
- Prepared and submitted the third Office of the Inspector General Semiannual Report. OMB recognized the improved format and substance of the report, which included highlights on the OIG's work in high risk areas
- Prepared the Investigations volume of the Inspector General Manual establishing uniform policies and procedures to be followed during the conduct of investigations and related program management.
- Developed an ongoing OIG Security Program that has allowed access to law enforcement sensitive and classified information when operationally necessary.
- Developed the 1991 Annual Workplan for Audit (20 major audits and an anticipated 250 external reports covering over 900 Departmental grants and contracts).
- Developed the 1991 Annual Workplan for Inspections (approximately 33 comprehensive inspections);
- Gave priority attention to the Department of Justice's Asset Seizure and Forfeiture Program, which was listed as a significant material weakness by both OMB and GAO. The largest single audit that the Office conducted this year was of this program and involved an across-the-board review of its many aspects. In addition, an audit of the Asset Forfeiture Fund and the Seized Asset Deposit Fund and several inspections addressing similar issues were conducted during 1990.
- Revised DOJ Order 2900.6, Audit Follow-up and Resolution Policy, DOJ Order 2900.7, Audits of Institutions of Higher Education & Other Non-Profit Organizations; and DOJ Order 2900.8, Audits of State & Local Governments, to ensure the role of the Inspector General in these processes,

- Established a central training office strategy to emphasize operational and administration systems training, and also to focus on specialized training needs of our investigative and audit staffs;
- Procured automation equipment and began implementation of the OIG's ADP networking system to enhance document production, improve field and local communications and to participate in the Department's Office Automation Strategy.
- Recruited and obtained highly qualified, professional staff in an effort to achieve and attain appropriate staffing levels within the OIG.
- Established the "Inspector General Manual", the authorized means to codify directives governing the operation of the OIG.

The following table displays the basic workload factors for the OIG.

Item	1989 Actual	1990 Actual	Estimates	
			1991	Change 1992
Audits:				
Internal	26	20	20	26
External	929	929 ¹	929	-
U.S. Trustees	405	396	420	-
Investigations	1,404	1,404	1,876	124
Inspections	33	24 ²	33	-
				33

NOTE: The increase in internal audits recognizes that the OIG is performing more complex, large scale national scope audits of sophisticated programs and technical ADP systems.

¹ The OIG Audit staff issued 300 reports covering 1,344 contracts, grants and other agreements in 1990. This figure is expected to moderate in succeeding years.

² The decrease in inspections in 1990 was caused by the transformation from single-site office inspections in a few selected components to broader-based field and program inspections of more components in the Department. This expansion of activity requires more detailed work and the creation of several inspection guides to cover all the programs executed by the various field components.

The Office of Inspector General has begun development of an automated audit, investigations and inspections tracking system to more effectively plan work and capture workload statistics. This information will specifically detail the OIG need and use of resources to complete audits, investigations and inspections in accordance with the Inspector General Act. An automated case tracking system is the most effective and efficient means of completing this task and also support the budget, personnel and security program requirements of the OIG.

Program Changes: Increases of 75 positions, 38 workyears and \$7,637,000 are requested for 1992 for the Office of Inspector General. The increase includes 4 positions, 2 workyears and \$1,475,000 to oversee the audits of the Department's financial statements.

1. **Audit:** An increase of 70 positions and \$4,674,000 are requested for the Audit Division. The requested increase in FY 1992 would enhance the efforts of the Audit Division within the Department by providing for an additional 26 internal audits per year, bringing the total number of internal audits to 46 per year, which includes approximately 4 to 6 major ADP system reviews.

With current audit resources, the Audit Division is unable to provide sufficient cyclical audit coverage of the Department, relying rather on its limited resources to target priority programs or functions. Under ideal circumstances, approximately 420 workyears would be required to cover the DOJ audit universe under a 3-year audit cycle. If only priority audit areas were covered, over 200 workyears would still be required. Moreover, the Audit Division is performing more complex, large-scale, national-scope audits of sophisticated programs and technical ADP systems requiring the expenditure of significant audit resources. By focusing on priority areas, the Audit Division addresses many of the high risk areas, but the risk of little or no audit coverage of smaller programs and functions remains high. For example, under current resources, the Audit Division can perform only 3 to 4 major ADP system reviews each year; however, there are over 600 such systems within the Department. The level of technical expertise and the number of work hours required to perform these audits (an average of 600 workdays per audit) further exacerbates these conditions. The requested increase would allow the Audit Division to be more responsive to requests for audits of internal programs and Departmental contracts and grants thus ensuring efficient and effective operation throughout the Department.

Two representative examples of major internal audits include a recent audit of the Management of Seized and Forfeited Assets in the Department of Justice. The audit evaluated Department and component-level procedures and practices used to manage seized and forfeited assets as well as the adequacy of internal controls over these assets. The accuracy and reliability of record keeping and the degree of compliance with applicable laws and regulations was also determined during the audit. The audit disclosed several deficiencies: information collected was inaccurate and inconsistent as there currently exists no system for consolidation and integration; a lack of clear, consistent policy for the payment of local real property taxes on seized and forfeited properties; and a lack of management controls and responsibilities among several DOJ components in the areas of case management, control over assets, and processing of invoices. The lack of controls put literally millions of dollars at risk of loss, waste, and abuse. The findings substantiate the need for a consolidated, integrated information system to ensure the efficient and effective administration of the program. Once in place, the tracking system will greatly diminish the magnitude of the problems identified during the audit.

An audit of the Immigration and Naturalization Service indicated that fees charged for the processing and adjudication of applications, petitions, motions, and requests submitted by the public had not been revised in several years and fees for some services were not being charged at all.

In addition to auditing major internal programs, the Audit Division is responsible for examining internal controls and cash management practices with respect to the collection of INS user, legalization, and examination fees and fees for services rendered. Currently estimated at \$1.3 billion annually, revenue being collected by the Department is expected to increase due to the emergence of new fee systems, such as the U.S. Marshals fees for serving certain writs and FBI fees for criminal records checks. In addition, several areas of the Department participate in the asset forfeiture program which handles hundreds of millions of dollars every year. Because a portion of these funds are not directly appropriated and therefore lack some of the controls imposed upon directly appropriated funds, there exists a greater potential for mismanagement, necessitating a greater need for close monitoring of the program.

The Audit Division also intends to audit a different Department component's procurement activities each year. Audits previously performed in the United States Marshals Service and Drug Enforcement Administration identified significant problems in the procurement process and, based on the magnitude of the systemic weaknesses, similar problems may exist throughout the Department. The increase will enable the Audit Division to accelerate its scheduled procurement audits so that maximum benefits and costs can be recovered.

The Audit Division utilizes its ADP expertise by conducting cyclical audits of selected financial systems operated by the Department's components. Financial systems subjected to audits in the recent past include systems operated by the JMD, INS, and DEA. Reviews are currently in process for systems at the FBI. The effect of these audits is to ensure Departmental fiscal integrity and to identify the existence (or lack) of appropriate internal controls to preclude the possibility of inefficient use of funds. Additional resources for the Audit Division as specified elsewhere in this document will result in more timely and extensive audits of the myriad financial systems operated by the Department.

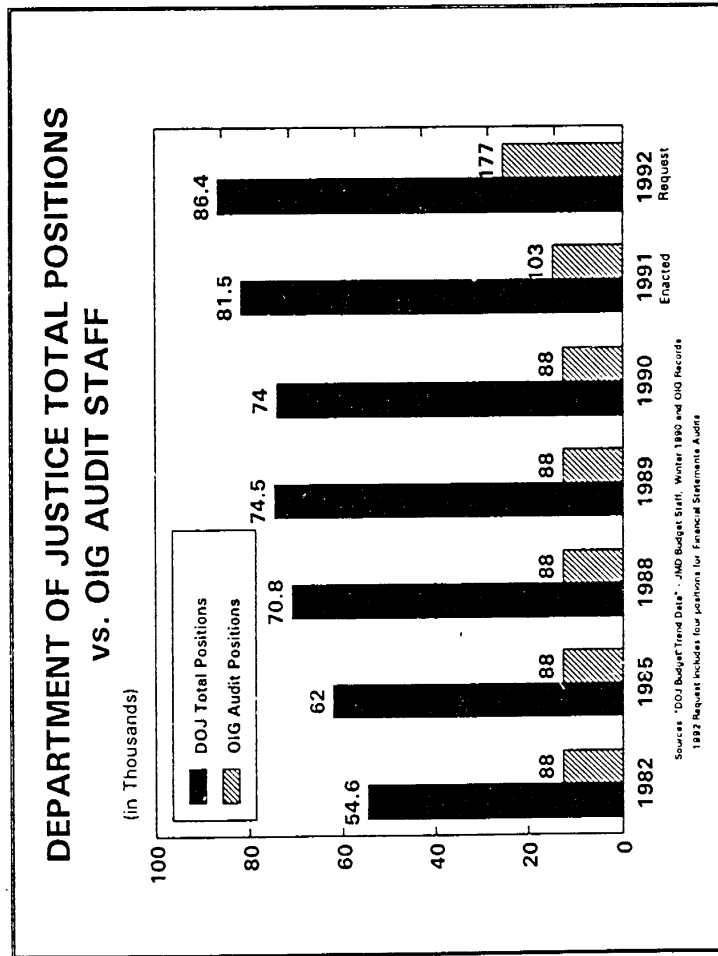
An additional 4 positions and \$1,475,000 are included in the request to provide the resources necessary to oversee the audits of the Department's financial statements. The Department currently utilizes several different automated financial and accounting systems, resulting in inconsistent and unreliable reporting procedures. Preparation and coordination of audited financial statements would: 1) ensure consistency in financial reporting; 2) provide more reliable information; 3) allow for the consolidation of reports; government-wide; and, 4) ensure integrity of financial information. In accordance with the Chief Financial Officers Act of 1990, the Department is requesting the necessary resources for the development and preparation of the financial statements for which the OIG is responsible for overseeing the audit portion of the initiative.

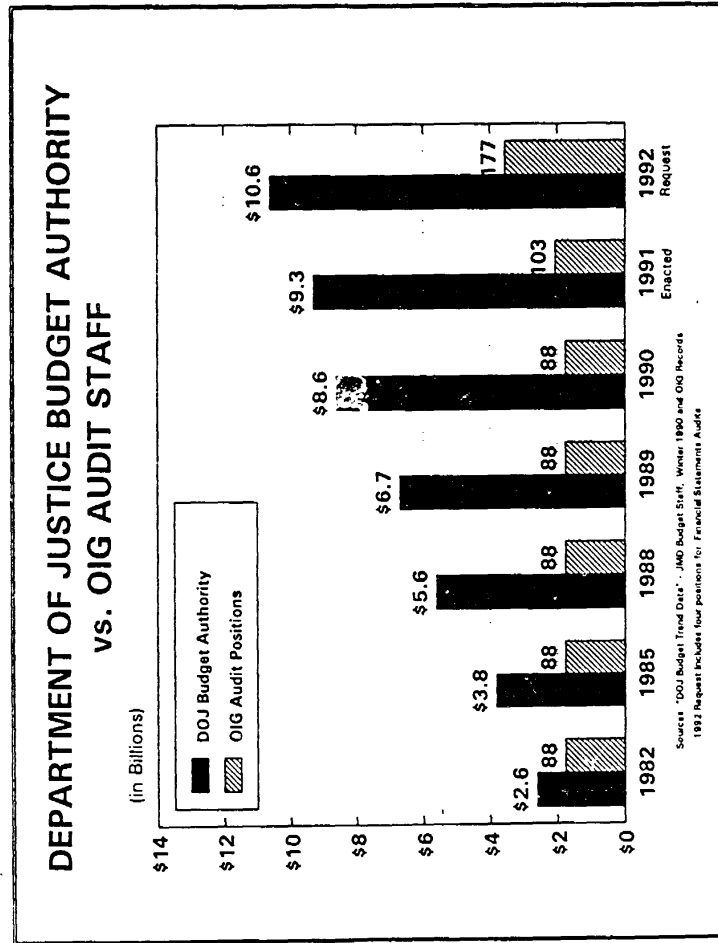
The additional audit resources requested for 1992 are essential for providing appropriate coverage of high risk areas identified by OMB and the Department, and also of high priority functional areas and programs within the Department. The steady growth in Departmental funding and personnel resources, increased revenues through varied and expanding Departmental programs, and the expansion and upgrade of ADP systems place an extraordinarily heavy burden on the OIG audit staff to perform its duties in a comprehensive and professional manner while ensuring an acceptable level of audit coverage within the Department. The growing disparity between the resource levels of the Department and that of OIG audit resources are graphically displayed in Exhibits I and II following this section. In order to ensure productive and effective operations throughout the Department, appropriate resources levels for the OIG are of the utmost importance. Approval of the 1992 request would allow us to approach parity with Departmental growth over the last eight to ten years.

2. Executive direction and control: An increase of 1 position and \$1,488,000 are requested for executive direction and control. The majority of the increase, \$1,400,000, would provide the funding necessary to continue the ADP networking and office automation efforts of the OIG. There currently exists no capability for information sharing among the offices of the OIG other than the utilization of express and/or regular mail. Aside from being costly, this arrangement is time consuming and risks damage to and loss of critical information. In addition, data received electronically must be reproduced, as there is no capability for file transfer using existing

equipment. The OIG's networking system complies with the Administration's priority of technology improvements, allowing file transfer, document sharing, electronic mail, and text storage and retrieval. The capability for the OIG to communicate and share information among all its offices -- nationwide -- will significantly increase productivity and timeliness, providing one more vehicle through which the Office can achieve its mission.

The increase of 1 position and \$88,000 will provide the resources necessary to support the Department's conversion to the U.S. Department of Agriculture (USDA) Payroll/Personnel System. The requested funding will be used to cover the costs of parallel DOJ/USDA system operation for the duration of the conversion period, as well as to fund unique Departmental system requirements. Conversion to the USDA system will provide substantial automated systems enhancements to personnel and payroll operations in the Department. In addition, it will achieve an OMB/IFMIP objective for the consolidation of Federal personnel/payroll systems.





Office of Inspector General
 Salaries and expenses
 Financial Analysis - Program Changes
 (Dollars in thousands)

Item	Audit		Executive Dir. and Control		Financial Statement		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
GS/GM-13	70	1,235	...	...	4	185	74	3,420
GS-11	...	...	1	32	...	...	1	32
Total positions and annual rate	70	3,235	1	32	4	185	75	3,452
Lapse (-)	35	-1,679	...	...	-2	-91	-37	-1,720
Total positions and annual rate	35	1,606	1	32	2	94	38	1,732
Other personnel compensation	...	50	...	...	...	...	...	50
Personnel benefits	750	...	5	...	28	...	...	783
Travel and transportation of persons	360	...	...	...	10	...	...	370
Transportation of things	46	...	...	...	...	...	...	46
GSA rent	177	...	...	...	...	...	...	177
Communication, utilities and miscellaneous	49	...	12	...	...	...	...	61
Other services	795	...	1,439	...	1,318	...	...	3,552
Supplies and materials	46	...	...	...	25	...	...	71
Equipment	795	...	...	...	...	...	...	795
Total program workyears and obligations	35	4,674	1	1,488	2	1,475	38	7,637
changes requested, 1992								

Office of Inspector General
 Salaries and Expenses
 Detail of Permanent Positions by Category
 Fiscal Year 1990 - 1992

Category	1990 Authorized	1991 Authorized	1992	
			Program Increase	Total
Personnel Management (200-299) .....	...	...	1	1
General Admin. Clerical and Office services (300-399)	120	127	...	127
Accounting and Budget (500-599)	77	92	74	166
Attorneys (905)	2	3	...	3
Education Group (1700-1799)	1	1	...	1
Criminal Investigation Series (1811)	96	113	...	113
Total	296	336	75	411
Washington	82	101	21	122
U.S. Field	214	235	54	289
Total	296	336	75	411

Office of the Inspector General
Salaries and Expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1989		1990		1991		1992	
	End of Year Inventory	Acquired	Disposed	End-of- Year	Acq.	Disposed	End-of Year	End-of- Year
Direct Purchase:								
Large sedan	4	...	4	...	...	...	...	...
Midsize sedan	23	...	23	...	...	...	...	...
Compact sedan	11	...	11	...	...	...	...	...
Subcompact sedan	9	...	8	1	...	1	...	...
Stationwagon	1	...	1	...	...	...	...	...
Van	3	9	3	9	...	...	9	9
Trucks	7	...	...	...	...	...	...	...
Pickup	...	...	7	10	...	...	9	9
Subtotal Purchased	58	9	57	10	...	1	9	9
Leased:								
Compact sedan	...	3	...	3	4	...	7	9
Midsize sedan	...	57	...	57	...	...	57	94
Stationwagon	...	2	...	2	...	...	2	2
Utility	...	7	...	7	...	...	7	7
Subtotal Leased:	...	69	...	69	4	...	73	112
Total Vehicles	58	78	57	79	4	1	82	121

Office of Inspector General
Salaries and Expenses
Summary of Change
(Dollars in Thousands)

	Perm. Pos.	Work- Years	Amount
1991 as Enacted	336	320	\$25,140
Adjustments to base:			
Mandatory Increases:			
One additional compensable day			
1991 Pay Annualization	...	...	77
1992 Pay Raise	...	...	175
Annualization of 1991 Positions	...	...	617
Annualization of Executive Level and Senior Executive Service Pay Increase	...	20	1,120
Special Pay Rates	...	...	42
Federal Law Enforcement Pay Reform Act of 1990	...	...	8
General Pay Reform Costs	...	...	337
Health Benefits	...	...	105
Federal Employees Retirement System (FERS)	...	...	72
Federal Insurance Contributions Act	...	...	180
Travel: Mileage	...	...	7
Government Printing Office (GPO) and Department Printing	...	...	7
Financial Operations Service (FOS)	...	...	5
Security Investigations	...	...	180
Security Reinforcements	...	...	2
General Services Administration (GSA) Rent	...	...	87
GSA Recurring Reimbursable Services	...	...	262
Total, mandatory increases	...	...	189
Decreases:			
Non-recurring costs associated with new positions approved in 1991	...	20	3,472
Total	...	...	(230)
1992 Base	336	340	28,382
Program increases	75	38	7,637
1992 Estimate	411	378	\$36,019

Office of Inspector General
Salaries and expenses
Justification of Adjustments to Base
(Dollars in thousands)

Amount:	Work-	Amount
Mandatory increases:	Year	
1. One additional compensable day . . . . .	...	77
The annual salary rate for Federal employees is based on 260 paid days. FY 1992 has one more compensable day (262) than 1991 (261). This request includes appropriate personnel benefits based on the organization's actual law enforcement and non-law enforcement rates. The request includes \$38,000 for pay and \$19,000 for benefits.		
2. 1991 Pay Annualization . . . . .	...	175
This pay annualization represents only first quarter amounts (October through December) of the 1991 4.1 percent pay increase effective in January of 1991 plus appropriate personnel benefits (\$132,000 pay and \$43,000 benefits).		
3. 1992 Pay Raise . . . . .	...	617
This request provides for the 4.2 percent pay raise to be effective in January of 1992 and is consistent with Administration policy. The amount requested, \$617,000, represents the pay amounts of three-quarters of the fiscal year plus appropriate benefits (\$462,000 pay and \$155,000 benefits = \$617,000).		
4. Annualization of 1991 Positions	20	1,120
This provides for the annualization of 40 additional positions approved in 1991 for Office of Inspector General.		

	Approved 1991 Increases	Annualization Required
Annual salary rate of		
40 Approved positions	\$1,252	626
Less lapse (50 %)	<u>626</u>	
Net Compensation	626	
Associated employee benefits	300	150
Other (Travel, Comm./Util.; etc.)	<u>1,012</u>	<u>344</u>
Total costs subject to annualization	1,938	1,120

	Work- years	Amount
5. Annualization of Executive Level and Senior Executive Service Pay Increase This request of \$42,000 represents only the first quarter costs (October through December) of the Executive Level (EX) and Senior Executive Service (SES) proposed salary increases effective in January of 1991 (\$31,500 for pay and \$10,500 for benefits).	...	42
6. Special Pay Rates This request provides increases as authorized by law in 5 U.S.C. §303. The Office of Personnel Management has approved these rates for those positions where recruitment and retention of qualified applicants remains a problem. The Department currently has 76 special salary rate authorizations in effect. However, this request represents new special rates for only 10 recently authorized special rates and extends grade coverage for 5 existing authorized special rates.	...	8
7. Federal Law Enforcement Pay Reform Act of 1990 This request includes \$337,000 to implement the Federal Law Enforcement Pay Reform Act of 1990. It includes full-year funding for law enforcement personnel for the following provisions of the Act: entry level and geographic pay and benefits provisions; and overtime and premium provisions. No increases are requested for support positions.	...	337
8. General Pay Reform Costs The request for costs covered by the Federal Employees Pay Comparability Act of 1990 established essential Departmental cost requirements for this new government-wide pay system, which attempts to achieve full pay parity between Federal and non-Federal employees on a geographic basis. This increase allows \$105,000 for fifty percent of the Department's request for two provisions contained under this Act: staffing differential costs for GS-5, 7, 9, occupying two-grade interval occupational series and locality comparability pay for the consolidated metropolitan areas of San Francisco, Los Angeles, and New York. Cost estimates were developed from actual payroll costs and provide adjustments for new positions, appropriate benefits, vacancy rates and cost-of-living increases. No increases are requested for discretionary allowances.	...	105

Work- Year	Amount
...	72
9. Health Benefits	
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective for the first pay period after January 1, 1990, the Department's actual contribution to health insurance increased an average of 16 percent due primarily to changes in enrollment plan since several plans are no longer available. The requested increase of \$72,000, or 3% percent, provides funds for actual increased costs from pay period 1 to pay period 2, projected for a full year.	
10. Federal Employees Retirement System (FERS)	180
This request provides for the additional costs in 1992 necessary to continue the implementation of the Federal Employees Retirement System Act of 1986, P.L. 99-335. The Act established a retirement program for Federal civilian employees and Postal workers hired after December 31, 1983 who are covered by Social Security and for employees under the Civil Service Retirement System who elected to transfer to this system. The increased requirement of \$180,000 for 1992 is based on actual agency payments for 1990 for the basic FERS annuity, Social Security and Thrift Savings Plans.	
11. Federal Insurance Contribution Act	7
Beginning the first full pay period after January 1, 1990, the base on which earnings for Social Security computations are calculated increased to \$51,300. In addition, the rate increased to 7.65 percent. Medicare rates remained at 1.45 percent; however, old age rates increased from 6.06 percent to 6.2 percent. The increase of \$7,000 is computed based on these rate changes.	
12. Travel Mileage	7
The Travel Expense Amendment Act of 1975, P.L. 94-22 authorized a mileage allowance for travel within the continental United States. The Administrator of the General Services Administration has the authority to establish the rates within the constraints of the law. The mileage allowance has been raised to 24.0 cents per mile. This increase provides \$7,000 for this change in allowance.	
13. Government Printing Office (GPO) and Department Printing	5
GPO is currently projecting a six-percent increase over the 1991 printing costs of \$83,000. An additional \$5,000 will be required in 1992 for printing done either by GPO or the Department's duplicating facilities. For 1991, no mandatory increase was requested for Departmental printing.	

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Work- years	Amount 180
14. <u>Financial Operations and Systems Service (FOS)</u>	
This request provides for the additional costs in 1992 for FOS and the Department's Financial Management Information System (FMIS) processing charges. A 7.5 percent increase is required for these charges. For 1991, no mandatory increase was requested. Personnel, benefits, space, printing, and data processing rates have all increased over time. Therefore, an increase of \$89,000 is requested for 1992. In addition, a redistribution of budget authority, based on actual costs, is necessary. The requested redistribution amount is \$91,000.	
15. <u>Security Investigations</u>	2
The Office of Personnel Management (OPM) has notified users of an 8 percent increase in the standard rate charged for each full-field investigation over the 1991 base cost of \$2,300. The mandatory increase is calculated on the separation rate of 10 persons for 1991 (based on 1990 actuals) for a total increase of \$2,000.	
16. <u>Security Reinvestigations</u>	37
The security reinvestigation program has been receiving widespread attention due to the increase in espionage cases, and the many situations where employees, who had been working in their jobs for a number of years, were discovered to be involved in various activities that were detrimental to the nation's security. The Office of Personnel Management, Federal Personnel Manual, Chapter 236 requires incumbents of certain positions to be reinvestigated, at a minimum, every five years. By 1992, the Department will require 7,600 employees to be reinvestigated in each of the next five years to address the existing backlog. An increase of \$87,000 will be required in 1992.	
17. <u>General Services Administration (GSA) Rent</u>	262
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. Because of the tremendous increase in rental charges, GSA has allowed an overall 15 percent increase. The Department's increase in total equates to this increase although the increase by organization varies based on the building the organization is actually occupying. The requested increase of \$262,000 provides for this actual increase over the expected 1991 billing level.	
18. <u>GSA Reimbursable Services</u>	189
Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in excess of normal working hours. GSA estimates that a 15 percent increase is needed for the Department, although increase (or decrease) amounts by organization vary based on anticipated actual billings. This request for \$189,000 includes a Departmental redistribution to meet these actual needs as well as the 15 percent increase over our projected 1991 base	

	Work- year	Amount
Total mandatory increases	20	\$3,472
<u>Decreases (Automatic non-policy):</u>		
1. Non-recurring costs for equipment for 40 new positions in 1991 .....	...	-156
This decrease includes costs for one-time purchases less approximately 12% for recurring maintenance costs.		
2. Non-recurring costs for Background Investigations for 40 new positions in 1991 .....	...	-72
Estimated cost per investigation is \$1,800.		
Total decreases	-230
Total Adjustments to Base	20	3,242

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Office of Inspector General
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1990 Actual		1991 Estimate		1992 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and Salary Ranges								
Executive Level IV, \$108,300								
ES-5, \$104,600	1		1		1			
ES-4, \$100,500	4		5		5			
GS/GM-15, \$61,643-80,138	28		30		30			
GS/GM-14, \$52,406-68,129	38		40		40			
GS/GM-13, \$44,348-57,650	94		95		169		74	
GS-12, \$37,294-48,481	35		36		36			
GS-11, \$31,116-40,449	13		14		15		1	
GS-9, \$25,717-33,430	12		12		12			
GS-8, \$23,284-30,268	7		8		8			
GS-7, \$21,023-27,332	29		60		60			
GS-6, \$18,919-24,598	10		10		10			
GS-5, \$16,973-22,067	20		20		20			
GS-4, \$15,171-19,725	2		2		2			
GS-3, \$13,515-17,574	2		2		2			
1992 Pay raise						\$78		\$78
Total, approx. positions	296	11,802	336	15,140	411	19,302	75	4,162
Pay above stated annual rates				61		119		58
Lapses			-20	-761	-37	-1,588	-17	-827
Savings due to lower pay scales for part of year		-121		-132		-154		-222
Net full-time permanent	296	11,681	316	14,308	374	17,679	58	3,371
Other than permanent:								
Part-time permanent	1	13	1	5	1	5		
Temporary employment	2	67	2	60	2	60		
Other part-time & intermittent	1	28	1	25	1	25		
Other personnel compensation:								
Overtime	4	71	5	95	6	120	1	25
Administratively uncontrollable overtime	16	674	19	1,229	20	1,303	1	74
Other compensation		2		4		6		2
Total, workyears & personnel comp.	320	12,536	344	15,726	404	19,198	60	3,472

Office of the Inspector General
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1990 Actual		1991 Estimate		1992 Request		Increase/ Decrease	
Object Class	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	263	11,681	316	14,308	374	17,679	58	3,371
11.3 Other than full-time	4	108	4	90	4	90	...	...
11.5 Other personnel compensation	20	747	24	1,328	26	1,429	2	101
Total	287	12,536	344	15,726	404	19,198	60	3,472
12.0 Personnel benefits		1,903		2,700		3,921		1,221
12.5 Relocation benefits		...		...		268		268
21.0 Travel & trans. of persons		1,320		1,597		2,158		561
22.0 Transportation of things		133		80		126		46
23.1 GSA Rent		1,790		2,242		2,759		517
23.3 Communications, utilities and miscellaneous charges		675		729		819		90
24.0 Printing and reproduction		20		25		30		5
25.0 Other services		1,317		1,303		5,279		3,976
26.0 Supplies and materials		228		281		367		86
31.0 Equipment		487		457		1,094		637
Total obligations		20,409		25,140		36,019		10,879
Relation of obligations to outlays:								
Total obligations		20,409		25,140		36,019		
Obligated balance, start-of-year		1,988		1,206		1,848		
Obligated balance, end-of-year		-1,206		-1,848		-2,408		
Adjustments in expired accounts		-2		...		...
Outlays		21,189		24,498		35,459		
Average ES Salary		(\$80,300)		(\$102,200)		(\$102,200)		
Average GS/GM Salary		(\$42,462)		(\$42,486)		(\$45,702)		
Average GS/GM Grade		(11.80)		(11.43)		(11.81)		

Mr. MOLLOHAN. The Committee is pleased to welcome for his first appearance before the Committee, Inspector General Richard J. Hankinson. Mr. Hankinson, we will place your biography and your written testimony into the record. Would you introduce the other witnesses at the table, and then proceed with your statement.

OPENING STATEMENT

Mr. HANKINSON. Thank you, Mr. Chairman. To my right is Allen Vander-Staay, who is the Assistant Inspector General for Management and Planning. It is my pleasure to appear before you today in support of the 1992 budget request for the Office of the Inspector General.

Because this is my first appearance before this Committee, I would like to take a few moments to describe what is still a new and evolving Inspector General's Office at the Department of Justice.

I have now been in this job for about nine months. We operate a Department of over 80,000 people with a budget of over \$9 billion. My goal is to assure that our audits and inspections are focused on high-risk areas, financial activities and critical programs within the Department. Likewise, we will pursue investigations that emphasize significant acts of criminal wrongdoing and continue to stress the importance of eliminating all misconduct on the part of Department of Justice employees.

INVESTIGATIONS CASES

In the Investigations area, we recently completed two major undercover cases relating to immigration fraud—efforts to obtain INS documentation by bribery of Department of Justice employees. The two cases, one in Brooklyn, New York, and one in Milford, Delaware, culminated in the arrest of 14 individuals and the seizure of close to \$1 million.

One of our investigations, called the "Nasty Boys" case, involved a group of former and/or current INS Detention Enforcement Officers. The group was entering the premises of drug dealers using their service badges and bogus search warrants and robbing the occupants.

Another significant investigation led to the seizure of assets totalling over \$1 million from a GS-11 employee. This investigation disclosed that the subject, an INS employee, sold over 125 genuine green cards, about 40 of which went to known members of the Colombian drug cartels.

An audit of the United States Marshal Service lease for an aircraft hangar in Oklahoma City was sharply critical of the decision making that led to this lease. Basically we found that the United States Marshals plans at the time they entered into the lease, lacked a supporting rationale, cost benefit analysis, or firm factual basis.

The hangar's intended use for maintenance, security, or office space usage, could either be performed elsewhere or was of only marginal benefit. We recommended that the lease be terminated, which could save as much as \$20 million over a 20-year period, less any contract termination costs.

In another instance, the Attorney General asked us to examine the Department's Office of Justice Programs. Our inspection identified a number of serious management and control problems related to the responsibilities and integration of OJP's five major bureaus, and found that substantial deficiencies existed in OJP's monitoring of its \$700 million grant program. On February 20, 1991, I testified before the House Judiciary Subcommittee on Government Information, Justice and Agriculture on this issue.

These are some examples of the various types of work done by our office. We can always do more in all areas with additional resources, and my priority in 1992 is in the audit area.

The 1992 request totals \$36,019,000 and 411 appropriated positions. Aside from mandatory increases for specific operating costs, the 1992 request represents a program increase of 75 positions and \$7,637,000.

This increase provides 70 positions and \$4,674,000 for the Audit Division, which will provide the resources needed to perform a total of 46 major internal audits in 1992; four positions and \$1,475,000 to oversee the audits of the Department's financial statements; one position and \$88,000 for conversion to the Department of Agriculture's payroll/personnel system; and \$1,400,000 for the continuation of the Office of the Inspector General's automated network system.

AUDIT INCREASE FUNDING REQUEST

Why am I asking for so much money for audit? The level of growth and change that has taken place over the past few years within the Department has greatly increased the overall workload of my office. The Department has changed. Its responsibilities are much greater than they were only a few years ago.

It now manages an estimated \$1.4 billion in seized and forfeited assets and at least \$100 billion in the U.S. Trustees program. Its debt collection activities total well over \$6 billion, and it operates fee accounts in excess of \$1.3 billion.

Each of these programs is relatively new. Each requires the oversight and internal controls that our Audit Staff must provide. With a 1992 Departmental request totaling over \$10 billion and 86,000 positions, the OIG must have sufficient resources to ensure integrity, economy, efficiency, and compliance within all DOJ programs.

The request for \$4,674,000 and 70 positions for the Audit Division will enable my office to target priority programs or functions. I specifically want to devote more audit scrutiny to the Department's \$1.3 billion worth of contracts and to its \$700 million in grants.

AUTOMATED DATA PROCESSING AUDITS

In addition, the Department has over 600 ADP systems. Current resources, however, allow for only three or four major ADP system reviews each year. This increase would provide sufficient resources to cover the majority of the priority areas identified in the audit universe and also allow the continuation of major scope audits, such as the special reviews of the Immigration and Naturalization Service, United States Marshals Service, and INTERPOL, requested by the Attorney General, and the recently completed audit of

the Department's Seized Assets program, without sacrificing our focus on the priority and high risk programs and operations of the Department.

ADDITIONAL FUNDING REQUESTS

The additional resources would enable my office to continue to provide its expertise in the examination of internal controls and cash management practices of various Departmental organizations' fee accounts, which total an estimated \$1.3 billion annually.

Our 1992 request also includes an increase of \$88,000 and one position to fund the resources necessary for our conversion to the automated payroll and personnel system of the Department of Agriculture's National Finance Center.

We are also requesting \$1,400,000 to further develop the OIG's ADP network and office automation systems. This in-house communications and document exchange capability is essential to the OIG's nationwide operation, now spread over 20 locations, and to the independent and coordinated review of the programs and operations of the Department of Justice.

Finally, in accordance with the Chief Financial Officers Act of 1990, my office is requesting \$1,475,000 and four positions to oversee audits of the Department's Financial Statements. The resources needed for development and preparation of the statements are being requested in the Department's General Administration budget request.

By supporting these requests, the increase will ensure that the OIG can continue to reduce the incidence of fraud, waste, abuse, misconduct, inefficiency, and financial non-compliance of Department of Justice programs and those activities funded by the Department.

I thank you for your attention and will be happy to answer any questions that you may have.

[Mr. Hankinson's biography and written statement follow:]

Office of the Inspector General

BIOGRAPHY**Richard J. Hankinson
Inspector General**

The United States Senate confirmed Richard J. Hankinson's appointment as the first Inspector General of the Department of Justice on June 19, 1990. As Inspector General, Mr. Hankinson is a member of the President's Council on Integrity and Efficiency, an interagency organization created to provide leadership for Government-wide efforts to reduce fraud, waste, and abuse in Federal programs. Mr. Hankinson is also a member of the Association of Former Agents of the U.S. Secret Service, the International Association of Chiefs of Police, and the American Society for Industrial Security.

Before his appointment as Inspector General, Mr. Hankinson served with the GSA as Assistant Commissioner, Office of Physical Security and Law Enforcement in Washington, D.C., a position he held from 1986 to 1990. That office is responsible for a wide range of law enforcement and security services provided to occupants of property under GSA's control. Mr. Hankinson served as a Special Agent of the U.S. Secret Service for 21 years before assuming his position with GSA. He began his career as a Special Agent in Richmond, Va., in 1966. Between 1980 and 1985, he served on Vice-President Bush's Protective Detail, assuming the position as Special Agent in Charge of that Detail from 1983 to 1985. Mr. Hankinson climaxed his Secret Service career by serving as Deputy Assistant Director of the Office of Investigations.

Mr. Hankinson earned his Bachelor of Arts degree in 1965 from the University of Richmond, Richmond, Va.

He and his wife, Patricia, their daughter Kristine and son Todd, live in Vienna, Virginia. Their son Steve and daughter-in-law Tricia live in Reston, Va.

DEPARTMENT OF JUSTICE
OFFICE OF INSPECTOR GENERAL
STATEMENT OF THE INSPECTOR GENERAL
RICHARD J. HANKINSON
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON THE DEPARTMENTS OF COMMERCE, JUSTICE, --
AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman

Members of the Subcommittee

It is my pleasure to appear before you today in support of the 1992 budget request for the Office of the Inspector General.

Because this is my first appearance before this committee, I would like to take a few moments to describe what still is a new and evolving Inspector General's office at the Department. I have now been in this job for about nine months. Although much had been done, the final challenge remained mine -- to form a cohesive entity from the nine different DOJ organizational units that were brought together to make up this office. I believe this has been accomplished. We are now well on the way to becoming a team -- a single entity bound by a common mission. We operate in a Department of nearly ninety thousand people and over \$9 billion. My goal is to assure that our audits and inspections are focused on the higher risk areas, financial activities and critical program areas within the Department. Likewise, we will pursue investigations that emphasize significant acts of criminal wrongdoing and continue to stress the importance of eliminating all misconduct on the part of DOJ employees.

During my short time here, I've been impressed by an organization of committed and capable professionals who care about their jobs and what the OIG can do for the Department. But, the best measure of success is the quality and effectiveness of our work products -- the audits, the inspections and the investigations. I can honestly say that I am proud of the accomplishments this office has achieved, and I would like to give you just a few examples.

In the Investigations area, we recently completed two major undercover cases relating to immigration fraud -- efforts to obtain INS documentation by the bribery of Department of Justice employees. The two cases -- one in Brooklyn, New York, and one in Milford, Delaware -- culminated in the arrest of 14 individuals and the seizure of close to \$1 million.

One of our investigations, called the "Nasty Boys" case, involved a group of former and/or current INS Detention Enforcement Officers. The group was entering the premises of drug dealers using their Service badges and bogus search warrants and robbing the occupants.

Another significant investigation led to the seizure of assets totalling over \$1 million from a GS-11 employee. The investigation disclosed that the subject, an INS employee, sold over 125 genuine "green cards," about 40 of which went to known members of Colombian drug cartels.

In the Audit area, we assisted the FBI in improving the effectiveness, reliability and security of its automatic data processing environment through a recent audit. Entitled, "The

Federal Bureau of Investigations Automatic Data Processing General Controls," and issued in September, 1990, the audit found major internal control weaknesses, organizational problems, deficiencies in property accountability, and systems that were so "user unfriendly" that they were not being used effectively.

An audit of a United States Marshals Service lease for an aircraft hangar in Oklahoma City was sharply critical of the decision-making that led to the lease. Basically, we found that the USMS's plans at the time they entered into the lease lacked a supporting rationale, cost benefit analysis, or firm factual basis. The hangar's intended use for maintenance, security, and office space could either be performed elsewhere or was of only marginal benefit. We recommended that the agreement to lease be terminated, which could save as much as \$20 million over the next 20 years, less any contract termination costs.

In another instance, the Attorney General asked us to examine the Department's Office of Justice Programs. Our inspection identified a number of serious management and control problems related to the responsibilities and integration of OJP's five major bureaus, and found that substantial deficiencies existed in OJP's monitoring of its \$700 million grant program. On February 20, 1991, I testified before the House Judiciary Subcommittee on Government Information, Justice, and Agriculture on this issue.

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The 1992 request totals \$36,019,000 and 411 appropriated positions. Aside from mandatory increases for specific operating costs, the 1992 request represents a program increase of 75 positions and \$7,637,000. The increase provides 70 positions and \$4,674,000 for the Audit Division, which will provide the resources needed to perform a total of 46 major internal audits in 1992; 4 positions and \$1,475,000 to oversee the audits of the Department's financial statements; 1 position and \$88,000 for conversion to the Department of Agriculture's payroll/personnel system; and \$1,400,000 for continuation of the OIG's automated network system.

Why am I asking for so much money for audit? The level of growth and change that has taken place over the past few years within the Department has greatly increased the overall workload of the OIG. The Department has changed; its responsibilities are much greater than they were only a very few years ago. It now manages an estimated \$1.4 billion in seized and forfeited assets and at least \$100 billion in the U.S. Trustee's program. Its debt collection activities total well over \$6 billion, and it operates fees accounts in excess of \$1.3 billion. Each of these programs is relatively new. Each requires the oversight and internal controls that our audit staff must provide. With a 1992 Departmental request totaling over \$10 billion and 86,000 positions, the OIG must have sufficient resources to ensure

integrity, economy, efficiency, and compliance within all DOJ programs.

The request of \$4,674,000 and 70 positions for the Audit Division will enable the OIG to target priority programs or functions. I specifically want to devote more audit scrutiny to the Department's \$1.3 billion worth of contracts and to its \$700 million in grants. In addition, the Department has over 600 major ADP systems; current resources, however, allow for only three or four major ADP system reviews each year. The increase would provide sufficient resources to cover the majority of the priority areas identified in the audit universe and also allow the continuation of major scope audits such as the special reviews of the Immigration and Naturalization Service (INS), United States Marshals Service (USMS) and INTERPOL, requested by the Attorney General, and the recently completed audit of the Department's Seized Assets program, without sacrificing the OIG's focus on priority and high risk programs and operations of the Department. The additional resources would enable my office to continue to provide its expertise in the examination of internal controls and cash management practices of various Departmental organizations' fee accounts, which total an estimated \$1.3 billion annually.

Our 1992 request also includes an increase of \$88,000 and 1 position to fund the resources necessary for the OIG's conversion to the automated payroll and personnel system of the Department of Agriculture's National Finance Center. We are also requesting \$1,400,000 to further develop the OIG's ADP network

and office automation systems. This in-house telecommunications and document exchange capability is essential to the OIG's nationwide operation -- now spread over 20 locations -- and to the independent and coordinated review of the programs and operations of the Department of Justice.

Finally, in accordance with the Chief Financial Officers Act of 1990, the OIG is requesting \$1,475,000 and 4 positions to oversee audits of the Department's Financial Statements. The resources needed for development and preparation of the statements are being requested in the Department's General Administration budget request.

By supporting these requests, the increases will ensure that the OIG can continue to reduce the incidence of fraud, waste, abuse, misconduct, inefficiency, and financial non-compliance of Department of Justice programs and those activities funded by the Department.

I thank you for your attention and will be happy to answer any questions.

REASONS FOR INCREASED REQUEST

Mr. MOLLOHAN. Thank you. This is quite an increase. Is an increase of this magnitude essential to the performance of your mission.

Mr. HANKINSON. Yes, I think it is, Mr. Chairman. The additional personnel would go to our Audit Division, allowing us to place more reliance, even more than we do now, into the high-risk areas—and there are a number of high-risk areas at this time and the increase in resources that would enable us to make a closer review of these areas throughout the Department.

Also, there are a number of areas which we are unable to review at all, or in some cases thoroughly. That would be in certain fee accounts. We have over a billion dollars in fees coming into the Department of Justice, especially INS, and we are unable to look at those accounts.

We also want to place some emphasis on contracts, procurements, and grants. In the area of grants, there are over \$700 million a year issued by the Department of Justice, and over a billion dollars in contracts. We would look at the procurement procedures, in these particular areas and determine if the Department of Justice is receiving value for those monies expended.

There is no question right now that we are spread very thin. And I would say, as we conduct more criminal investigations on one side, it takes more of the auditors time to aid in those investigations, especially where there is financial misconduct.

Mr. MOLLOHAN. Last year your request was \$28 million from \$20 million, and you got \$25 million. And this year your request is from \$25 million to \$36 million. Do you anticipate like increases next year?

Mr. HANKINSON. I would like to say this would certainly go a long way in defining the needs as I see them. I wouldn't want to totally close myself for the next fiscal year for one specific reason, investigations, because I am asking nothing for investigations this year.

So the answer is not totally yes, but I think this would go a long way in satisfying our requirements, as I would see it, in the area of audit.

INVESTIGATIONS FUNDING REQUEST

Mr. MOLLOHAN. Are you identifying a need in investigations this year that you are not requesting funds for?

Mr. HANKINSON. Well, right now, in the area of investigations, we have done some consolidating, and there may be some needs in the future. If I may just speak to that. I am greatly concerned about the alleged corruption in the Southwest border in the area of illegal aliens, illegal documentation, or the sale of documentation to illegals, also drugs being processed or brought across the border.

We are in the process of taking some of our present resources and placing more of them on the border. We are taking care of that using present resources. I'm not asking for any additional investi-

gators in the 1992 budget, and looking ahead, I don't want to totally preclude that.

Mr. MOLLOHAN. I think I hear a yes to my question, do you identify a need this year, but you are not asking for it.

Mr. HANKINSON. Originally, we had asked for some positions in investigations.

Mr. MOLLOHAN. From OMB?

Mr. HANKINSON. Yes.

Mr. MOLLOHAN. How much?

Mr. HANKINSON. 32.

Mr. MOLLOHAN. Let's see, last year you requested \$28 million and you got \$25 million. What were you not able to do because of the \$3 million reduction in your request that you would have liked to have done?

Mr. HANKINSON. Last year some of the monies that went in would have been used for investigations, and that's where we fell short. There is no question that investigations cost us a lot of money, because we pay overtime to our people, as mandated by law. It takes vehicles and communications and weapons and so forth and time. These are 24-hour-a-day operations in many cases, undercover operations. I have taken some funds from other areas, even audit, and shifted resources from time to time based on our needs.

Mr. MOLLOHAN. Shifted it to investigations?

Mr. HANKINSON. Yes. That is very expensive for us to do especially if we take part in Task Force operations.

BENEFITS OF EARLIER INSPECTOR GENERAL OFFICE ESTABLISHMENT

Mr. MOLLOHAN. Do you believe that the presence of a strong, independent IG organization five years ago, could have identified the management problems we are currently seeing at the Immigration Service, and hopefully have stopped them before they became as serious as they are now?

Mr. HANKINSON. Very definitely, I do. And just let me say that this year we are placing a lot of our resources in INS. I would estimate that 75 to 80 percent of our investigative resources go toward INS.

We are conducting seven audits at INS this year. I know that 75 to 80 percent is a large percentage, but that's an accurate figure. That's seven audits and a number of inspections. I am totally aware of the problem and I go back to the need for auditors.

A lot of those resources that we would be gaining would go toward the audit of critical areas in INS, especially the high-risk areas. We are doing a lot this year. More needs to be done, and I fully recognize that.

FUNDING FOR INS AUDITS

Mr. MOLLOHAN. Well, if we provide you with your requested funds, can you promise the Committee that you will make every effort to ferret out problems such as those at INS and bring them to the attention of both the Attorney General and the Congress?

Mr. HANKINSON. Without question, and I think my integrity will stand on that. Obviously our reports are all public, and I can

assure you again that significant amount of those audit resources will go toward auditing specific programs, financial and otherwise in INS.

Mr. MOLLOHAN. With that in mind, would you please list for the record any audit/IG reports you have issued in the past year, which identify significant management improvements or savings that can be achieved?

Mr. HANKINSON. Yes, I would be glad to submit that for the record.

[The information follows:]

1990 AUDIT AND INSPECTION REPORTS

The list of audit and inspection reports issued in the past year, which identify significant management improvement or savings follows:

Obligations and Payments Within the Financial Accounting and Control System of the Immigration and Naturalization Service
Debt Collections at the U.S. Attorney's Office, Eastern District of Texas
Procurement Activities in the Drug Enforcement Administration
Employee Relocation Services at the Federal Bureau of Investigation and the Immigration and Naturalization Service
Chapter 7 Audit of Panel Trustee—Fred W. Huenefeld
Chapter 12 Audits of Standing Trustees—Robert E. Ridgeway and Beatrice Furman
External Audits—Of the 300 external reports issued during 1990, twenty-two resulted in questioned costs or savings that can be achieved.
Controls over Certificates of Naturalization and Citizenship at the Immigration and Naturalization Service
Management of Seized and Forfeited Assets in the Department of Justice
Automated Data Processing General Controls Within the Federal Bureau of Investigation
Federal Prison Industries Contracting Procedures and Internal Controls
U.S. Attorney Offices—District of South Carolina and Western Washington
Office of Justice Programs—Management Inspection
Justice Management Division—DOJ's Implementation of the Federal Managers' Financial Integrity and OMB Circular A-123
Office of Justice Programs—Body Armor Testing Program

INCREASES FOR NEXT YEAR INVESTIGATIONS

Mr. MOLLOHAN. Also, what estimated increases would you expect to be asking for next year for investigations?

Mr. HANKINSON. Well, it's obviously a little bit early for me to say with any specificity. I have stated for the record that we asked for 32 additional people. It depends somewhat upon what we find in our continued and more extensive work on the border.

Last fiscal year, we received over 2,600 complaints of a criminal nature. Some of them without question lacked merit, a lot of them had to be worked. This year we expect in excess of 3,000. If that trend continues, then there is no question that we would come back for a minimum of 32.

That's what I anticipate at this time.

Mr. MOLLOHAN. Well, we won't hold you to it, it's just a mark.

Mr. HANKINSON. Yes, I understand. Thank you.

Mr. MOLLOHAN. Thank you very much for your testimony.

Mr. HANKINSON. Thank you.

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